294

Regd. No. M.—1175

# The Mysore Gazette

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BANGALORE, THURSDAY, JANUARY 4, 1940.

## PART IV.

### Legislative Measures and Rules thereunder.

### NOTIFICATIONS.

*No. T.* 1863—*R. T.* 3-39-11, *dated Bangalore, the 26th December* 1939.

In virtue of the powers vested in them under Section 11 of the Mysore Motor Vehicles Act, 1928, Government propose to make the following draft amendment to the Mysore Motor Vehicles Rules, 1924, as amended from time to time, which is hereby published for the information of persons likely to be affected thereby and any suggestion or objection in respect of the said draft, received on or before the 25th January 1940 will be considered by Government:—

**Draft Amendment.**

Add the following as Rule 12-B. to the aforesaid rules and re-number the existing Rules 12-B and 12-C as 12-C and 12-D, respectively:—

"12-B. If the registering authority is satisfied that a motor vehicle has been permanently removed out of Mysore State, the registering authority shall cancel the registration."

*No. T.* 1865—*R. T.* 3-39-9, *dated Bangalore, the 26th December* 1939.

The following draft amendment which the Government propose to make in virtue of the powers vested in them under Section 11 of the Mysore Motor Vehicles Act of 1928 to rule 21 of the Rules regarding Public Service Motor Vehicles issued with Notification No. P. 3992—Legis. 46-35, dated 18th December 1935 and amended from time to time, is hereby published for the information of persons likely to be affected thereby and any suggestion or objection received on or before the 20th January 1940, in respect of the said draft will be considered by Government :—

**Draft Amendment.**

Substitute the following for rule 21 (*a*) and (*b*) of the aforesaid rules :—

" 21. (*a*) No driver or other person in charge of a public service motor vehicle shall permit any passenger to ride on the roof or the running board or on any side portion of the said vehicle ; nor shall allow anything to be placed or carried upon the outside of the roof of a double decked public service vehicle.

(*b*) No person shall drive, and no person shall cause or allow to be driven, in any public place any motor vehicle which is loaded in a manner likely to cause danger to any person or in such a manner that the load or any part thereof or any thing extends—

(i) laterally beyond the side of the body or beyond a vertical plane in prolongation of the side of the body ;

(ii) to the front beyond the foremost part of the vehicle ;

(iii) to the rear to a distance exceeding four feet beyond the rearmost part of the vehicle excluding any luggage carrier ; and

(iv) in height by a distance which exceeds eleven feet from the surface upon which the motor vehicle rests.

(*c*) Clause (iii) of sub-rule (*b*) shall not apply to a motor lorry when loaded with any pole or other projecting thing so long as—

(i) the projecting load falls within the limits of the body of a trailer being drawn by the motor vehicle; or

(ii) the distance by which the pole or other thing projects beyond the rearmost point of the motor vehicle does not exceed six feet; and

(iii) there is attached to the rear of such pole or other thing in such a way as to be clearly visible from the rear at all times a white circular disc of not less than fifteen inches in diameter; and at night, a lamp in addition to the prescribed lamps on the vehicle so arranged as to show a red light to the rear.

(*d*) The District Magistrate may by order in writing exempt any motor vehicle, for such a purpose, for such period and subject to such conditions as he may specify from any or all of the provisions of this rule.

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*No. T.* 1876—*R. T.* 38-39-7, *dated Bangalore, the 2nd January* 1940.

In virtue of powers vested in them under Sections 14 and 15 of the Mysore Road Traffic and Taxes Act No. VI of 1935, the Government of His Highness the Maharaja are pleased to direct that a temporary toll-gate be established for a period of two months with effect from 15th January 1940 on the Kikkeri-Sravanabelagola Road within the limits of Kabbalu Village about four miles from Sravanabelagola in Chennarayapatna Taluk, Hassan District.

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*No. T.* 1883—*R. T.* 7-38-47, *dated Bangalore*, 30*th December* 1939—3*rd January* 1940.

In exercise of the powers conferred on them by section 11 of the Mysore Motor Vehicles Act 1928, the Government of His Highness the Maharaja are pleased to issue the following amendment to Rule 12-B of the Mysore Motor Vehicles Rules 1924, as amended from time to time, the draft amendment in this behalf having already been published at page 541, Part IV of the *Mysore Gazette*, dated 9th November 1939:—

**Amendment.**

For Rule 12-B (ii) (a) of the aforesaid rules, substitute the following:—

"Surrender such certificate if available with him and the current tax license if one has been taken out and"

By Order,

C. SUBRAHMANYA AIYAR,
*Secretary to Government,*
*Law Department.*

Printed by the Superintendent at the Government Press, Bangalore.

*No. T.* 1960—*R. T.* 20-39-40, *dated Bangalore, the 8th January* 1940.

In exercise of the powers conferred on them by Section 22 of the Mysore Road Traffic and Taxes Act, VI of 1935, the Government of His Highness the Maharaja are pleased to exempt the Sajjada of Baba Budhan Darga, Chikmagalur, from payment of toll in respect of the three double bullock-carts belonging to the Darga.

By Order,

C. SUBRAHMANYA AIYAR,

*Secretary to Government, Law Department.*

*No.* 3569—*L. C., dated Bangalore, the 6th January* 1940.

In continuation of Notification No. 3364—L. C., dated 18th December 1939, publishing the Report of the Select Committee on the Bill to provide for the better control of the publication of newspapers and other printed works containing public news, the following Note of Dissent by Mr. D. H. Chandrasekharaiya is published for general information.

By Order,

C. SUBRAHMANYA AIYAR,

*Secretary, Mysore Legislative Council.*

## NOTE OF DISSENT.

The New Press and Newspapers Bill is said to have been introduced by the Government in response to a desire expressed several times by the representatives of the people for a change in the existing law contained in Act No. III of 1908. Under the provisions of this Law the Government are to be first approached for permission to edit, print and publish any newspaper or other printed work. They are vested with absolute authority either to

grant or refuse permission and also to withdraw the permission once granted. Further, whenever any person edits, prints or publishes any newspaper or other printed work without first obtaining permission or after the permission is withdrawn, he can be deported from the State and his Press confiscated. What is worse, the Government are not bound to assign reasons for any of their actions and their decisions are final.

As compared with the Law, which is declared with one voice to be too drastic, the proposed measure seems to be much safer in some respects: First, initial permission need not be obtained hereafter to edit, print or publish any newspaper or other printed work. Secondly, the nature of the offences for which the Government would take action will be clearly defined and made known. Thirdly, the decisions of the Government in certain matters can be contested in the highest Tribunal of the State. Lastly, the punishment by way of deportation will be substituted by the ordinary penal provisions.

I am aware that this new measure is met with severe opposition in certain quarters and especially at the hands of those following the profession of Journalism. Their main contention is that there is no necessity for any Press Law in Mysore. But this view does not, however, answer the obvious question whether a Law more definite in its scope and less arbitrary in its operation cannot at all be preferred to the existing one with all its hard features. It was my hope that the Journalists in the State would accept the measure as a lesser evil and offer practical suggestions to soften its rigour as much as possible. But unfortunately the representatives of the Press who appeared before the Select Committee declined to go beyond the mandate for having no Press Law of any kind.

I do not propose to answer the much-debated question whether any Press Law should exist at all in Mysore for the reason that it does not lie within the scope of the Select Committee's functions. Generally speaking, it would certainly be a very happy state of things to welcome when every one could live free as the air without the intervention of any Law. But taking human nature as it is and the conditions of human relationship existing around us, we cannot help accepting the rule of Law limiting our natural freedom and controlling our actions in various ways in the interest of that very freedom.

Referring to the freedom of the Press, which means the absence of arbitrary official restrictions upon 'the dissemination of news and comments upon news,' none can deny that it is a highly valued public right. But men of experience have urged the view that some measure of control over the Press is indispensable at least in emergencies so as to ensure the common weal. Hence, the real question is what kind of Press control should we have ?

I have taken some pains to study this aspect of the question and I find that the opinion is very sharply divided about it. Apart from the licensing system which is now in force, the other suggestions made in this behalf are (1) the application of Ordinary Law in normal times and the conference method in times of unusual stress, (2) the suspensible declaration method, and (3) the security method. It is not my present purpose to enter into a detailed discussion about the merits of these different methods. The proposed Bill involving the security method is no doubt modelled upon the British Indian Act. But the circumstances under which that Act came into existence and the results of its operation have not been quite encouraging. Besides, it does not seem to be fair to proceed with this controversial measure in the face of the adverse note of the Representative Assembly. I sincerely wish that it were possible to devise a method satisfactory to all parties and that even now action may be taken accordingly.

However, since it is not possible to know what the Government might do in the matter I desire to plead for incorporating at least the following changes in the proposed Bill :—

(1) Security need not be required by the Magistrate when the declaration is made before him for the first time by the keeper of a Press or the publisher of a Newspaper under Sections 4 or 5 as the case may be of the Press and Registration of Books Act, 1867. But when a second declaration is made by any of them after the first is annulled as a result of the noticing of the offences described in clause 4 (1), the Magistrate before whom the declaration is made may require security for reasons to be recorded in writing.

(2) The Government may order deposit of security by the keeper of a Press or the publisher of a Newspaper

under clauses 3 (3) and 7 (3) or the forfeiture of the security under clauses 4 and 8 only after issuing a show-cause notice to the persons concerned.

(3) The maximum amounts of security provided under the several clauses may be reduced to half the amounts proposed by the Select Committee and no minimum level need be compulsorily fixed.

(4) The High Court may be empowered to decide questions connected with all the orders relating to the demand or forfeiture of security.

I conclude this note in the earnest hope that my humble suggestions stated above will receive the kind consideration of all those interested in the liberty of the Press consistent with the practical necessities of the time.

D. H. CHANDRASEKHARAIYA.

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*No. G. 6291—P. H. 45-39-11, dated Bangalore, 10th January 1940.*

Under Section 20 of the Mysore Prevention of Adulteration Act, IX of 1921 as amended from time to time, Government propose to make the rules issued in Notification No. G. 2463—San. 61-30-7, dated 22nd September 1931 annexed hereto, applicable to the Hassan Town Municipality. Any objections to this proposal, if made in writing and received on or before the 1st February 1940, will be duly considered.

By Order,

C. E. NORONHA,

*Secretary to Government,*

*Development Department.*

**Rules under the Mysore Prevention of Adulteration Act.**

1. In these rules, "Act" means the Mysore Prevention of Adulteration Act, IX of 1921.

"Section" means section of the above Act.

*Section 3.—*

2. The officer to whom the local executive officer may delegate his powers shall be of the rank of a Health Officer or shall hold the Diploma of Public Health. No legal proceedings under the Act shall be instituted without the permission in writing of the President or the Commissioner, as the case may be.

*Section 20 (b).—*

3. The area within which the local executive officer of a Municipal Council shall exercise powers shall be the Municipal limits of the place.

*Section 20 (c).—*

4. *Cleanliness of Vessels.*—All vessels, receptacles or utensils used for manufacturing or preparing food or containing any food intended for sale shall be cleansed with clean boiling water before and after use and shall be kept in a constant state of cleanliness. In case of food likely to be acted upon by the metal of the vessels, receptacles or utensils in which the food is manufactured, prepared or contained for purposes of sale, precautions shall be taken to prevent such metallic contamination.

*Section 20 (d).—*

5. *How notice of Admixture, Addition or Deficiency shall be given.*—If the vendor of any article intended for food, knows that it is admixed with any foreign substance whatsoever or that any component part has been abstracted therefrom, he shall give due notice of such admixture or abstraction by means of distinct and clear labels in Kannada or in any other language likely to be read and understood by the people, affixed conspicuously on each package or receptacle containing the article. Unless the vendor of any food containing an admixture, addition or deficiency, knows of his own knowledge, that the purchaser is able to read and understand the label, he shall give the purchaser the information contained in the label by word of mouth at the time of purchase.

*Section 20 (e).—*

6. The standards of purity prescribed for milk cream, butter and ghee are as follows:—

*Milk.*—

*Cow's Milk.*—(1) Where a sample of cow's milk (not being sold as skimmed or separated milk), contains less than three per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine, by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(2) When a sample of cow's milk or any skimmed or separated cow's milk contains less than 8·5 per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved that the milk is not genuine by reason of the addition thereto of water.

(3) When a sample of cow's milk, whether sold as cow's milk or as skimmed or separated cow's milk contains less than 0·5 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water.

*Buffalo Milk.*—(4) Where a sample of buffalo milk (not being sold as skimmed or separated milk), contains less than 4·5 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(5) Where a sample of buffalo milk, whether sold as buffalo milk, or as skimmed or separated buffalo milk, contains less than nine per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of the addition thereto of water.

(6) Where a sample of buffalo milk, whether sold as buffalo milk or as skimmed or separated buffalo milk, contains less than 0·53 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of the addition thereto of water.

*N. B.*—The minimum limits for nitrogen prescribed above under (3) and (6) are intended to be used in those cases in which a sample of milk when it is analysed, is so far decomposed that an estimation of the proportion of milk-solids other than milk-fat in the sample before decomposition will be unreliable, the proportion of nitrogen not being appreciably affected by decomposition.

*Unspecified Milk.*—(7) Where a sample of milk, separated milk or skimmed milk, is sold or offered for sale or hawked about, without any indication as to whether it is derived from the cow or the buffalo and by comparison with the minimum limits given for the cow's milk in the above, it appears to be adulterated, it shall be presumed for the purposes of this Act, until the contrary be proved that the sample is not genuine for the reason given in the above rule or rules which are applicable.

*Maximum limit for dirt in Milk.*—(8) Where a sample of milk separated or skimmed milk deposits on standing for a period of 24 hours or less, an amount of visible sediment exceeding five parts per 100,000 (both milk and sediment being measured by volume), it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of its containing an excessive amount of dirt.

*Cream.*—(9) Where a sample of cream contains less than 20 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine.

*Butter.*—(10) Where the proportion of water in a sample of butter exceeds 20 per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the butter is not genuine by reason of the excessive amount of water therein.

*Ghee.*—(11) Where the proportion of water in a sample of ghee exceeds one per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the ghee is not genuine by reason of the excessive amount of water therein.

*Section 20 (f).*—

7. (1) No person shall add water or any dried or condensed milk or any fluid reconstituted therefrom or any skimmed milk or separated milk to milk intended for sale, and no person shall, by himself or by any servant or agent, sell or offer for sale or hawk about, any milk to which any such addition has been made.

(2) No person shall abstract any ingredient from milk, without giving due notice of the same, in an unambiguous manner, of the fact of such abstraction therefrom, as prescribed in rules under Section 20 (*d*).

(3) No person either by himself or any servant or agent, shall sell or offer for sale or hawk about, as milk, any liquid in the making of which dried milk or condensed milk has been used or to which water or other diluent or adulterant has been added or from which any ingredient has been abstracted, without due notice of the same to the purchaser as prescribed in rule under Section 20 (*d*).

*Section 20 (g).*—

8. Any receptacle containing dried, condensed, skimmed or separated milk shall be labelled with an adhesive label which shall contain the information and be of the size indicated below. The information shall be in black type, printed or written in the centre of the label, which shall be of white colour. Nothing else shall be printed or written on the label, except the name of the article. The label shall be clearly visible to the purchaser and shall measure at least 2″×4″ where only Kannada is used or at least 4″×4″ where more than one language is employed.

*Section 20 (h).*—

9. (1) Any person taking a sample of milk for the purposes of this Act may add a preservative for the purpose of retaining the sample in a condition convenient for analytical purposes.

(2) The preservative used shall be the liquid commonly known as "formalin" which is a liquid containing about 40 per cent of formaldehyde in aqueous solution.

(3) The amount of preservative added shall be approximately in proportion of one drop of formalin for every 2 oz. of the sample of milk.

(4) Each sample of milk to which formalin has been added by the person taking the sample shall bear a notification on the label to the effect that it has been "artificially preserved."

(5) For the purposes of this rule, milk includes skimmed and separated milk.

10. *Penalty for breach of Rules.*—Every manufacturer or dealer or vendor who—(*a*) disobeys, fails to comply with or acts in contravention of the provisions mad under Rule 4 herein, in respect of cleanliness of vessels, receptacles or utensils used for manufacturing, preparing

or containing any food intended for sale, or (*b*) neglects to affix labels to notify in the manner prescribed, the fact of the admixture of foreign ingredients in the case of adulterated articles of food or abstraction of any component part therefrom of any article of food, or (*c*) fails to give the purchaser, in cases mentioned in Rule 5, information contained in such lables by word of mouth at the time of purchase, or (*d*) manufactures, deals in or sells milk, cream, butter or ghee below the standard prescribed in Rule 6 above shall, on conviction before a Magistrate, be punished with a fine not exceeding Rs. 50 and with a fine which may extend to Rs. 50 for every subsequent offence.

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294.

14

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## PART IV.

### Legislative Measures and Rules thereunder.

### NOTIFICATIONS.

*No. T.* 2144—*R. T.* 38-39-10, *dated Bangalore, the 27th January* 1940.

In exercise of the powers vested in them under Section 15 of the Mysore Road Traffic and Taxes Act, No. VI of 1935, the Government of His Highness the Maharaja are pleased to direct that two check gates be opened at Kenchenahalli and Sarathi in the Harihar Sub-Taluk, Chitaldrug District, temporarily, for a period of three months and that these check gates and the Karlahalli toll-gate be treated as one toll-gate, the payment of toll at one toll-gate exempting vehicles, etc., from payment of the same at the other.

*No. P.* 5018—*Legis.* 19-39-12, *dated Bangalore, the* 26*th January* 1940.

In exercise of the powers conferred by sub-rule (1) of rule 114 of the Defence of India Rules as applied to Mysore, the Government of His Highness the Maharaja are pleased to make the following order, namely :—

1. *Short Title.*—This order may be called the Enemy Property (Custody and Registration) Order, 1939.

2. *Definitions.*—In this order unless there is something repugnant in the subject or context—

(i) "Custodian" means the Custodian of Enemy Property for Mysore appointed under rule 114 of the Defence of India Rules as applied to Mysore and includes any Deputy or Assistant Custodian of enemy property authorised by the said custodian in respect of all or any of the provisions of this order;

(ii) the expressions "enemy subject," "enemy firm," "enemy property" and "securities" shall have the meanings, respectively assigned to them by rule 103 of the Defence of India Rules as applied to Mysore;

(iii) "enemy" means an enemy subject or enemy firm;

(iv) "form" means a form appended to this order;

(v) "person" includes any company or association or body of individuals whether incorporated or not.

3. *Payment to Custodian of money otherwise payable to an enemy.*—Any sum payable by way of dividend, interest, share of profits or otherwise, to or for the benefit of an enemy, shall be paid by the person by whom such sum would have been payable if a state of war had not existed, to the Custodian or such person as may be authorised by him in this behalf, and shall be held by such Custodian or other person subject to the provisions of this order.

4. (1) *Powers of custodian in respect of enemy property vesting in him.*—Whenever by order made under sub-rule (1) of rule 114 of the Defence of India Rules, as applied to Mysore, the property of an enemy is vested in the Custodian, the Custodian may take such measures as he considers necessary or expedient for preserving the property.

(2) Without prejudice to the generality of the foregoing provision, the Custodian may for the said purpose,—

(i) carry on the business of the enemy,

(ii) take action for recovering any money due to the enemy,

(iii) make any contracts, and execute any documents in the name and on behalf of the enemy,

(iv) incur any expenditure, including the payment of any taxes, duties, cesses and rates to Government or to any local authority, and of any wages, salaries, pensions or provident fund contributions to, or in respect of, any employee of the enemy, and the repayment of any debts due by the enemy to persons other than enemies, and

(v) transfer by way of sale, mortgage or lease, or otherwise dispose of, any of the property.

5. *Exemption from attachment, etc.*—All enemy property vesting in the Custodian shall be exempt from attachment, seizure or sale in execution of a civil court decree.

6. (1) *Transfer of Securities belonging to an enemy.*—Where in exercise of the powers conferred by paragraph 4 of this order, the Custodian proposes to sell any securities issued by a company and belonging to an enemy, the company may, with the consent of the Custodian purchase the securities, notwithstanding anything to the contrary in any law or in any regulations of the company, and any securities so purchased may be re-issued by the company as and when it thinks fit so to do.

(2) Where the Custodian executes a transfer of any securities issued by a company, the company shall, on receipt of the transfer and an order in this behalf from the Custodian, register the securities in the name of the transferee, notwithstanding that the regulations of the company do not permit such registration in the absence of the certificate, script or other evidence of title relating to the securities transferred:

Provided that any such registration shall be without prejudice to any lien or charge in favour of the company and to any other lien or charge of which the Custodian gives express notice to the company.

7. *Power of Custodian to summon persons and call for documents.*—(1) A Custodian may, by notice in writing, require any person whom he believes to be capable of giving information concerning any enemy property to attend before him at such time and place as may be specified in the notice, and examine any such person concerning the same, reduce his statement to writing and require him to sign it.

(2) A Custodian may, by notice in writing, require any person whom he believes to have in his possession or control any account book, letter book, invoice receipt or other document of whatever nature relating to any enemy property, to produce the same, or cause the same to be produced, before the Custodian at such time and place as may be specified in the notice, and to submit the same to his examination and to allow copies of any entry therein or any part thereof to be taken by him.

8. *Returns relating to enemy property.*—(1) Every bank carrying on business in Mysore which has any balances or deposits standing to the credit of an enemy shall, within two months from the date of this order, communicate to the Custodian full particulars of such balances or deposits in Form A.

(2) Every company incorporated in Mysore and every company which though not incorporated in Mysore has a share transfer or share registration office in Mysore shall, within two months from the date of this order, communicate to the Custodian in Form B full particulars of all securities of the company which belong to an enemy.

(3) Every firm carrying on business in Mysore, one or more partners of which are enemies, shall, within two months from the date of this order, communicate to the Custodian in Form C full particulars as to any share of profits and interest due to such enemies.

(4) Every person residing or carrying on business in Mysore by whom any money would, if a state of war had not existed, have been payable or paid to or for the benefit of an enemy by way of dividend, interest or share of profits shall, within two months from the date of this order, or if such money becomes payable after the expiry of that period, within one month after it becomes payable, communicate to the Custodian full particulars of such money in Form D.

(5) Every person other than bank residing or carrying on business in Mysore who owes any debts to an enemy shall, within two months from the date of this order, communicate to the Custodian full particulars of such debts in Form E.

(6) Every person residing or carrying on business in Mysore who has in his possession or control any enemy property not covered by the preceding sub-paragraphs shall, within two months from the date of this order, or if the property comes into his possession or control after the expiry of that period, within one month of his so coming into possession or control, communicate to the Custodian full particulars of such property in Form F, in the case of property held in safe custody, and in Form G, in the case of property held otherwise.

In the case of property of enemy subjects, other than internees, residing in India the above particulars may be confined to bank balances and deposits, dividends and similar payments, securities and immovable property belonging to the aforesaid class of enemy subjects.

(7) Where a return of enemy property has been made to the Custodian in Form F or Form G, particulars of any income derived from such property during each quarter after the expiry of two months from the date of this order shall be communicated to the Custodian in Form H within one month of the expiry of that quarter; and if no income has been so derived since the date of the last return the fact shall be reported to the Custodian in the same form within the said period.

(8) Where a return of any enemy property has been made to the Custodian in Form F any change in respect of any lien on the property claimed by any person making the return shall be reported to the Custodian in the same form within one month after the change has occurred or has been effected.

9. *Responsibility for making returns on behalf of companies and firms—Registers of returns.*—Every director, managing agent, manager and secretary of a company and every partner of a firm, shall be responsible for communicating to the Custodian the particulars prescribed in paragraph 8.

10. (1) All returns relating to enemy property submitted to the Custodian in pursuance of paragraph 8

shall be recorded in such registers as may be prescribed by the Custodian.

(2) All such registers shall be open to inspection, subject to the payment of a fee of rupee one per page or part of a page of any register inspected and to such reasonable restrictions as the Custodian may impose, by any person who, in the opinion of the Custodian, is interested in any particular enemy property as a creditor or otherwise, and any such person may also obtain a copy of the relevant portion from the registers on payment of a ee of rupee one per page or part of a page.

By Order,

C. SUBRAHMANYA AIYAR,
*Secretary to Government,*
*Law Department.*

## APPENDIX.

### FORM A.

To

The Custodian of Enemy Property,

Ref. No. A.....

From.....

..... ..... .....

(Address).....

(Date)..... .....

*Return showing particulars of balances or deposits standing to the credit of an enemy.*

N.B.—Where not known, the contents of sealed boxes, packages, etc., deposited need not be ascertained.

| Name of enemy | Address | Balances | Cash deposits | Description and estimated value (if known) of dedosits other than cash deposits |
|---|---|---|---|---|
| | | | | £ s. d.<br>Rs. a. p. |
| | | | Total— £<br>Rs. | |

## FORM B.

To

The Custodian of Enemy Property,

.....

Ref. No. B.....

From.....

(Address).....

(Date).....

*Return showing particulars of all securities of a company belonging to an enemy.*

| Name of enemy | Address | Description of securities | Value |
|---|---|---|---|
| | | | £ s. d.<br>Rs. a. p. |

## FORM C.

To

The Custodian of Enemy Property,

.....

Ref. No. C.....

From.....

(Address).....

(Date).....

*Return showing particulars as to any share of profits and interest due to an enemy.*

| Name of enemy | Address | Where a company makes the return | | Where a partner makes the return | | |
|---|---|---|---|---|---|---|
| | | Description of shares, stock, debentures or debentures stock held by an enemy | Nominal value of each holding | Enemy capital | Interest or share or profits due to an enemy | Period covered by interest or share of profits |
| | | | £ s. d. / Rs. a. p. | £ s. d. / Rs. a. p. | £ s. d. / Rs. a. p. | |
| | | | | | | |

## FORM D.

To

The Custodian of Enemy Property,

Ref. No, D.....

From.....

.....

(Address).....

(Date).....

*Return showing particulars of any money which would have been payable or paid to or for the benefit of enemy by way of dividend, interest or share of profits.*

| Name of enemy | Address | Description | Value |
|---|---|---|---|
| | | | £ s. p.<br>Rs. a. p. |
| | | | |

# FORM E.

To

The Custodian of Enemy Property,

.....

Ref. No. E.....

From.....,

(Address).....

(Date).....

*Return showing particulars of Debts due to an enemy.*

| Name of enemy | Address | Description of property (each item to be stated separately) | |
|---|---|---|---|
| | | Nature of debt | Amount |
| | | | £ s. d.<br>Rs. a. p. |

294.

## FORM F.

To

The Custodian of Enemy Property,

.....

Ref. No. F.....
From.....
(Address).....
.....
Nature of lien claimed (if any).....

*Return showing particulars of enemy property in possession not already recorded with the Custodian.*

*N.B.*—This form should be used in respect of enemy property held in safe custody.

| Full name of person for whom held (surname first) | Full address of person, for whom held | (Each item to be stated separately) | | | |
|---|---|---|---|---|---|
| | | Immovable property | | Movable property | |
| | | Full description of any landed property held in respect of which income has been received | Amount of income received therefrom | Full description of any movable property held in respect of which income has been received | Amount of income received therefrom |
| | | | £ s. d.<br>Rs. a. p. | Total— £<br>Rs. | £ s. d.<br>Rs. a. p. |

# FORM G.

To

The Custodian of Enemy Property,

Ref. No. G..... .....

From..... .....

(Address)..... .....

..... .....

.....

*N.B.*- This form should be used in respect of property held otherwise than in safe custody.

| Full name of person for whom held (surname first) | Full address of person for whom held | (Each item to be stated separately) | | | |
|---|---|---|---|---|---|
| | | Immovable property | | Movable property | |
| | | Full description of any landed property held in respect of which income has been received | Amount of income received therefrom | Full description of any movable property held in respect of which income has been received | Amount of income received therefrom |
| | | | £ s. d.<br>Rs. a. p.<br><br>Total— £<br>Rs. | | £ s. d.<br>Rs. a. p. |

# FORM H.

## QUARTERLY RETURN OF INCOME.

To

The Custodian of Enemy Property,

.....

Ref. No. H.....
From.....
(Address).....
.....
Nature of lien claimed (if any).....
(Date).....

*Return showing particulars of income received from property already recorded with the Custodian and held for or on behalf of or in trust for enemies.*

*N.B.*—(1) If no income has been received since date of previous return, the fact should be recorded and the orde returned to the Custodian.

(2) The amount of any lien on the income recorded, or on the property from which it is derived, should be notified if this has not already been done.

| Full name of person for whom held (surname first) | Full address of person for whom held | (Each item to be stated separately) | | | |
|---|---|---|---|---|---|
| | | Immovable property | | Movable property | |
| | | Full description of any landed property held in respect of which income has been received | Amount of income received since date of last return | Full description of any movable property held in respect of which income has been received | Amount of income received since date of last return |
| | | | £ s. d.<br>Rs. a. p. | | £ s. d.<br>Rs. a. p. |
| | | | | Total £ —<br>Rs. | |

Printed by the Superintendent at the Government Press, Bangalore.

## NOTIFICATION. 28

*Order No. P. 5331—Legis. 39-39-1, dated Bangalore, 6th February* 1940.

Ordered that the accompanying Coffee Husk Control Act which received the assent of His Highness the Maharaja, on the 30th day of January 1940, be published as Act No. II of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
*Secretary to Government,*
*Law Department.*

## ACT No. II OF 1940.

## The Mysore Coffee Husk Control Act, 1940.

(*Received the assent of His Highness the Maharaja, on the 30th day of January* 1940.)

Whereas it is expedient to prohibit or restrict the import and export of coffee husk to and from Mysore and to provide for the control of the transport and sale of coffee husk within Mysore; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Mysore Coffee Husk Control Act, 1940.

(*2*) It extends to the whole of Mysore.

(*3*) It shall come into force from such date as the Government may, by notification in the official Gazette, appoint in this behalf.

Prohibition of import or export of coffee husk.

2. No coffee husk shall be imported into or exported from Mysore except with the permission of the Government.

Prohibition of transport of coffee husk.

3. The Government may from time to time, by notification, prohibit the transport of coffee husk from one local area to any other local area.

Prohibition of sale, etc., of coffee husk.

4. No coffee husk shall be sold or otherwise disposed of, except with the permission of the Government and subject to such conditions as it thinks fit to impose.

Penalty for contravention.

5. (*1*) Whoever, in contravention of this Act or of any rules or order made under this Act or of any licence or permit obtained under this Act, imports, exports, transports or sells or otherwise disposes of any coffee husk shall, on conviction before a Magistrate, be punished for each such offence with fine which may extend to five hundred rupees.

(*2*) Notwithstanding anything contained in the second schedule of the Code of Criminal Procedure, 1904, an offence under this Act shall be a cognisable offence as defined under the Code.

Power to make rules.

6. (*1*) The Government may make rules for the purpose of carrying into effect the provisions of this Act.

(*2*) All rules made under this Act shall be published in the official Gazette and on such publication shall have effect as if enacted in this Act.

MIRZA M. ISMAIL,
*Dewan.*

**Price 0-0-3.**

Printed by the Superintendent at the Government Press, Bangalore.

## NOTIFICATION.

*Order No.* 5332—*Legis.* 40-39-1, *dated Bangalore, the 6th February* 1940.

Ordered that the accompanying Act further to amend the Mysore Legal Practitioners Act, 1884, which received the assent of His Highness the Maharaja, on the 30th day of January 1940, be published as Act No. III of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
*Secretary to Government,*
*Law Department.*

## ACT No. III OF 1940.

## The Mysore Legal Practitioners (Amendment) Act, 1940.

(*Received the assent of His Highness the Maharaja, on the 30th day of January* 1940.)

WHEREAS it is expedient further to amend the Mysore Legal Practitioners Act, 1884, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title.

(1) This Act may be called the Mysore Legal Practitioners (amendment) Act, 1940.

Amendment of section 3 of Act III of 1884.

(2) For the definition of "tout" in section 3 of the Mysore Legal Practitioners Act, 1881 (hereinafter referred to as the said Act), the following definition shall be substituted, namely:—

"Tout" means a person—

(*a*) who procures in consideration of any remuneration moving from any legal practitioner, the employment of the legal practitioner in any legal business; or who proposes to any legal practitioner or to any person interested in any legal business to procure, in consideration of any remuneration moving from either of them, the employment of the legal practitioner in such business; or

(*b*) who for the purposes of such procurement frequents the precincts of Civil or Criminal Courts or revenue offices or railway stations, landing stages, lodging places or other places of public resort.

Amendment of section 26 of Act III of 1884.

(3) In section 26 of the said Act,

(*a*) in sub-section (1)

after the word "satisfaction" the words "or to the satisfaction of any subordinate court as provided in sub-section (2-A)" shall be inserted;

(*b*) to sub-section (1) the following explanation shall be added, namely :—

*Explanation.*—"The passing of a resolution declaring any person to be or not to be a tout by a majority not less than two-thirds of the members present at a meeting, specially convened for the purpose, of an association of persons entitled to practice as legal practitioners in any court shall be evidence of the general repute of such person for the purposes of this sub-section";

(*c*) after sub-section (2) the following sub-section shall be inserted, namely :—

"(2-A) Any authority empowered under sub-section (1) to frame and publish a list of touts may send to any court subordinate to such authority the names of any persons alleged or suspected to be touts, and order that court to hold an inquiry in regard to such persons; and the subordinate court shall thereupon hold an inquiry into the conduct of such persons and after giving each such person an opportunity of showing cause as provided in sub-section (2), shall report to the authority which has ordered the inquiry the name of each such person who has been proved to the satisfaction of the subordinate court to be a tout, and that authority may include the name of any such person in the list of touts framed and published by that authority : Provided that such authority shall hear any such person who, before his name has been so included, appears before it and desires to be heard";

(*d*) after sub-section (5) the following sub-section shall be inserted, namely :—

(6) Any person who acts as a tout whilst his name is included in any such list shall be punishable with imprisonment which may extend to three months or with fine which may extend to five hundred rupees, or both.

MIRZA M. ISMAIL,
*Dewan.*

**Price 0-0-3.**

Printed by the Superintendent at the Government Press, Bangalore.

## NOTIFICATION.

*Order No. P. 5334—Legis. 42-39-1, dated Bangalore the 6th February 1940.*

Ordered that the accompanying Act to provide for the Registration of Foreigners in Mysore which received the assent of His Highness the Maharaja, on the 30th day of January 1940, be published as Act V of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
*Secretary to Government,*
*Law Department.*

## ACT No. V OF 1940.

### The Registration of Foreigners Act, 1940.

### An Act to provide for the Registration of Foreigners in Mysore.

*(Received the assent of His Highness the Maharaja, on the 30th day of January 1940).*

WHEREAS it is necessary to provide for the registration of foreigners entering, being present in, and departing from, Mysore;

It is hereby enacted as follows:—

Short title and extent.

1. (*1*) This Act may be called the Registration of Foreigners Act, 1940.

(*2*) It extends to the whole of Mysore.

Definitions.

2. In this Act—

(*a*) the word "foreigner" shall denote a person who is not—

(i) a subject of His Highness the Maharaja; or

(ii) a British subject domiciled in the United Kingdom; or

(iii) a British Indian subject; or

(iv) a ruler or subject of an Indian State; or

33

(v) a person duly appointed by a foreign government to exercise diplomatic functions; or

(vi) a consul or a vice-consul;

(*b*) "prescribed" means prescribed by rules made under this Act.

Power to make rules.

3. The Government may, by notification in the official Gazette, make rules with respect to foreigners for any or all of the following purposes, that is to say—

(*a*) for requiring any foreigner entering, or being present in, Mysore to report his presence to a prescribed authority within such time and in such manner and with such particulars as may be prescribed;

(*b*) for requiring any foreigner moving from one place to another place in Mysore to report, on arrival at such other place, his presence to a prescribed authority within such time and in such manner and with such particulars as may be prescribed;

(*c*) for requiring any foreigner who is about to leave Mysore to report the date of his intended departure and such other particulars as may be prescribed to such authority and within such period before departure as may be prescribed;

(*d*) for requiring any foreigner entering, being present in, or departing from, Mysore to produce, on demand by a prescribed authority, such proof of his identity as may be prescribed;

(*e*) for requiring any person having the management of any hotel, boarding-house, sarai or any other premises of like nature to report the name of any foreigner residing therein for whatever duration, to a prescribed authority within such time and in such manner and with such particulars as may be prescribed;

(*f*) for requiring any person having the management or control of any vessel or aircraft to furnish to a prescribed authority such information as may be prescribed regarding any foreigner entering, or intending to depart from, Mysore in such vessel or aircraft, and to furnish to such authority such assistance as

34

may be necessary or prescribed for giving effect to this Act;

(*g*) for providing for such other incidental or supplementary matters as may appear to the Government necessary or expedient for giving effect to this Act.

Burden of proof.

4. If any question arises with reference to this Act or any rule made thereunder, whether any person is or is not a foreigner, or is or is not a foreigner of a particular class or description, the onus of proving that such person is not a foreigner or is not a foreigner of such particular class or description, as the case may be, shall, notwithstanding anything contained in the Indian Evidence Act, 1872, as in force in Mysore, lie upon such person.

Penalties.

5. Any person who contravenes, or attempts to contravene, or fails to comply with, any provision of any rule made under this Act shall be punished, if a foreigner, with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both, or if not a foreigner, with fine which may extend to five hundred rupees.

Power to exempt from application of Act.

6. The Government may, by order, declare that any or all of the provisions of the rules made under this Act shall not apply, or shall apply only with such modifications or subject to such conditions as may be specified in the said order, to or in relation to any individual foreigner or any class or description of foreigner.

Protection to persons acting under this Act.

7. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Application of other laws not barred.

8. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

Saving.

9. Any rules made, anything done and any action taken in exercise of any power conferred by or under the Registration of Foreigners (Emergency) Act, 1939 (Act No. IX of 1939), shall be deemed to have been made, done or taken in exercise of powers conferred by or under this Act as if this Act had commenced on the 30th day of June 1939.

MIRZA M. ISMAIL,
*Dewan.*

**Price 0-0-6.**

Printed by the Superintendent at the Government Press, Bangalore.

## NOTIFICATION.

*Order No.* P. 5470—*Legis.* 43-39-1, *dated Bangalore, the 10th February* 1940.

Ordered that the accompanying Act to provide for the grading and marking of agricultural produce which received the assent of His Highness the Maharaja, on the 1st day of February 1940, be published as Act No. VI of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
*Secretary to Government,*
*Law Department.*

## ACT No. VI OF 1940.

# THE AGRICULTURAL PRODUCE (GRADING AND MARKING) ACT, 1940.

**An Act to provide for the grading and marking of agricultural produce.**

(*Received the assent of His Highness the Maharaja on the first day of February 1940.*)

WHEREAS it is expedient to provide for the grading and marking of agricultural produce; It is hereby enacted as follows:—

Short title and extent.

1. (*i*) This Act may be called the Agricultural Produce (Grading and Marking) Act, 1940.

(*ii*) It extends to the whole of Mysore.

Definitions.

2. In this Act unless the contrary appears from the subject or context:—

(*a*) "agricultural produce" means any produce of agriculture or horticulture and includes all produce animals and their hides, skins and wool, and any article of food or drink, wholly or partially manufactured from

agricultural produce and declared by the Government by notification in the official Gazette to be agricultural produce for the purposes of this Act.

(*b*) "counterfeit" has the meaning assigned to that word by section 28 of the Indian Penal Code, as in force in Mysore;

(*c*) "covering" includes any vessel, box, crate, pot, wrapper, tray or other container;

(*d*) "grade designation" means a designation prescribed as indicative of the quality of any scheduled article;

(*e*) "grade designation mark" means a mark prescribed as representing a particular grade designation;

(*f*) "quality" in relation to any article includes the state and condition of the article;

(*g*) "prescribed" means prescribed by rules made under this Act;

(*h*) "scheduled article" means an article included in the Schedule; and

(*i*) an article is said to be marked with a grade designation mark, if the article itself is marked with a grade designation mark or any covering containing or label attached to such article is so marked.

Prescription of grade designation.

3. The Government may, after previous publication by notification in the official Gazette, make rules—

(*a*) fixing grade designations to indicate the quality of any scheduled article;

(*b*) defining the quality indicated by every grade designation;

(*c*) specifying grade designation marks to represent particular grade designations;

(*d*) authorising a person or a body of persons subject to any prescribed conditions, to mark with a grade designation mark any article in respect of which such mark has been prescribed or any covering containing or label attached to any such article;

(*e*) specifying the conditions referred to in clause (*d*) including in respect of any article conditions as to the manner of marking, the manner in which the article shall be packed, the type of covering to be used, and the quantity by weight, number or otherwise to be included in each covering;

(*f*) providing for the payment of any expenses incurred in connection with the manufacture or use of

## NOTIFICATION.

*Order No. P. 5471—Legis. 44-39-1, dated Bangalore, the 10th February* 1940.

Ordered that the accompanying Act further to amend the Mysore City Municipalities Act, 1933, which received the assent of His Highness the Maharaja, on the 1st day of February 1940, be published as Act No. VII of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
*Secretary to Government,*
*Law Department.*

## ACT No. VII OF 1940.

### The Mysore City Municipalities (amendment) Act, 1940.

(*Received the assent of His Highness the Maharaja on the first day of February 1940.*)

WHEREAS it is expedient further to amend the Mysore City Municipalities Act, 1933; It is hereby enacted as follows:—

1. This Act may be called the Mysore City Municipalities (amendment) Act, 1940. Short title.

2. For section 90 of the Mysore City Municipalities Act, 1933, the following section shall be substituted, namely:— Substitution of new section for section 90, Act VII of 1933

"90. (1) Any person,— Penalty for selling articles liable to octroi without a licence or for being in possession of any such article on which octroi has not been paid.

(*a*) selling or keeping for sale without a licence any article liable to octroi and for the sale of which a licence is required to be obtained, or

(*b*) having in his possession any article on which octroi has not been paid but which is liable to octroi and for the sale of which a licence is required to be obtained,

shall be liable, on conviction before a Magistrate, to a fine not exceeding ten times the octroi due on all the articles

38

so sold or kept for sale, or possessed, or one hundred rupees, whichever may be greater; and

Seizure of articles on which octroi duty has not been paid and arrest of person in possession of such articles.

(2) any officer of the Municipal Council authorised by the Municipal Council in this behalf, if he has reason to believe that any article on which octroi has not been paid but which is liable to octroi and for the sale of which a licence is required to be obtained is kept or concealed in any premises may, after obtaining the warrant of a Magistrate, enter and search at any time such premises and if he finds any such article on which octroi has not been paid, may seize any such article and arrest any person in possession of the same:

Provided that any article or person so seized or arrested shall be produced before a Magistrate exercising jurisdiction within the municipality within twenty-four hours from the time of such seizure or arrest:

Provided also that nothing in this section shall apply to any article liable to octroi and for the sale of which a licence is required to be obtained, if the value of such article does not exceed two hundred rupees in value and if it is kept by any person for the personal use of himself or any member of his family or sold by such person when not required for such use.

Searches and arrests to be governed by the Code of Criminal Procedure, 1904.

(3) The provisions of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to all searches and arrests effected under this section."

MIRZA M. ISMAIL,
*Dewan.*

**Price: 0-0-3.**

Printed by the Superintendent at the Government Press, Bangalore.

## NOTIFICATION.

*Order No. P. 5472—Legis. 44-39-2, dated Bangalore, the 10th February 1940.*

Ordered that the accompanying Act further to amend the Mysore Town Municipalities Act, 1933, which received the assent of His Highness the Maharaja, on the 1st day of February 1940, be published as Act No. VIII of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
*Secretary to Government,*
*Law Department.*

## ACT No. VIII OF 1940.

### The Mysore Town Municipalities (amendment) Act, 1940.

*(Received the assent of His Highness the Maharaja on the first day of February 1940.)*

WHEREAS it is expedient further to amend the Mysore Town Municipalities Act, 1933, it is hereby enacted as follows :—

Short title.

1. This Act may be called the Mysore Town Municipalities (amendment) Act, 1940.

Substitution of new section for section 85, Act VIII of 1933.

2. For section 85 of the Mysore Town Municipalities Act, 1933, the following section shall be substituted, namely :—

"85. (i) Any person—

Penalty for selling articles liable to octroi without a licence or for being in possession of any such article on which octroi has not been paid.

(*a*) selling or keeping for sale without a licence any article liable to octroi and for the sale of which a licence is required to be obtained, or

(*b*) having in his possession any article on which octroi has not been paid but which is liable to octroi and for the sale of which a licence is required to be obtained,

shall be liable, on conviction before a Magistrate, to a fine not exceeding ten times the octroi due on all the articles

40

so sold or kept for sale, or possessed, or one hundred rupees, whichever may be greater; and

Seizure of articles on which octroi duty has not been paid and arrest of person in possession of such articles.

(ii) any officer of the Municipal Council authorised by the Municipal Council in this behalf, if he has reason to believe that any article on which octroi has not been paid but which is liable to octroi and for the sale of which a licence is required to be obtained is kept or concealed in any premises may, after obtaining the warrant of a Magistrate, enter and search at any time such premises and if he finds any such article on which octroi has not been paid, may seize any such article and arrest any person in possession of the same:

Provided that any article or person so seized or arrested shall be produced before a Magistrate exercising jurisdiction within the municipality within twenty-four hours from the time of such seizure or arrest:

Provided also that nothing in this section shall apply to any article liable to octroi and for the sale of which a licence is required to be obtained, if the value of such article does not exceed two hundred rupees and if it is kept by any person for the personal use of himself or any member of his family or sold by such person when not required for such use.

Searches and arrests to be governed by the Code of Criminal Procedure, 1904.

(iii) The provisions of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to all searches and arrests effected under this section."

MIRZA M. ISMAIL,
*Dewan.*

**Price: 0-0-3**

Printed by the Superintendent at the Government Press, Bangalore

## NOTIFICATION.

*No. P.* 5678—*Legis.* 47-39-1, *dated Bangalore, the* 14*th February* 1940.

Ordered that the accompanying Act further to amend the Code of Criminal Procedure, 1904, which received the assent of His Highness the Maharaja of Mysore, on the 1st day of February 1940 be published as Act XI of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
*Secretary to Government,*
*Law Department.*

## ACT XI OF 1940.

### The Code of Criminal Procedure (amendment) Act, 1940.

(*Received the assent of His Highness the Maharaja on the* 1*st day of February* 1940.)

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1904; It is hereby enacted as follows:—

Short title.

*1.* This Act may be called the Code of Criminal Procedure (amendment) Act, 1940.

Amendment of section 4, Act II of 1940.

*2.* For the definition of "European British Subject" in section 4 (1) (l) of the Code of Criminal Procedure, 1904 (hereinafter referred to as the Code), the following shall be substituted, namely—

"(l) "European British Subject" means—

(*a*) any subject of His Majesty the King-Emperor of European descent in the male line born, naturalised or domiciled in any part of His Majesty the King-Emperor's Dominions exclusive of British India and of British Burma, or

(*b*) any subject of His Majesty the King-Emperor who is the child or grandchild of any such person by legitimate descent:"

42

Amendment of section 130, Act II of 1904

3. In sub-section (1) of section 130 of the Code, after the words "the Maharaja" the following words shall be inserted, namely—

"or in the Kolar Gold Fields Battalion of the Auxiliary Force (India)."

Amendment of section 131, Act II of 1904

4. In section 131 of the Code, after the words "the Maharaja" the following words shall be inserted, namely—

"or of any local unit of the Auxiliary Force (India) referred to in sub-section (1) of section 130."

MIRZA M. ISMAIL,
*Dewan.*

**Price : 0-0-3.**

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Regd. No. M.—1175

43

# The Mysore Gazette

## (SUPPLEMENTAL)

Vol. 75.] PUBLISHED BY AUTHORITY. [No. 8

BANGALORE, THURSDAY, FEBRUARY 22, 1940.

## PART IV.

### Legislative Measures and Rules thereunder.

### NOTIFICATIONS.

*Order No. P.* 5470—*Legis.* 43-39-1, *dated Bangalore, the* 10*th February* 1940.

Ordered that the accompanying Act to provide for the grading and marking of agricultural produce which received the assent of His Highness the Maharaja, on the 1st day of February 1940, be published as Act No. VI of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
*Secretary to Government,*
*Law Department.*

ACT No. VI OF 1940.

# THE AGRICULTURAL PRODUCE (GRADING AND MARKING) ACT, 1940.

**An Act to provide for the grading and marking of agricultural produce.**

*(Received the assent of His Highness the Maharaja on the first day of February 1940.)*

WHEREAS it is expedient to provide for the grading and marking of agricultural produce; It is hereby enacted as follows:—

Short title and extent.

1. (*i*) This Act may be called the Agricultural Produce(Grading and Marking) Act, 1940.

(*ii*) It extends to the whole of Mysore.

Definitions.

2. In this Act unless the contrary appears from the subject or context:—

(*a*) "agricultural produce" means any produce of agriculture or horticulture and includes all produce animals and their hides, skins and wool, and any article of food or drink, wholly or partially manufactured from agricultural produce and declared by the Government by notification in the official Gazette to be agricultural produce for the purposes of this Act.

(*b*) "counterfeit" has the meaning assigned to that word by section 28 of the Indian Penal Code, as in force in Mysore;

(*c*) "covering" includes any vessel, box, crate, pot, wrapper, tray or other container;

(*d*) "grade designation" means a designation prescribed as indicative of the quality of any scheduled article;

(*e*) "grade designation mark" means a mark prescribed as representing a particular grade designation;

(*f*) "quality" in relation to any article includes the state and condition of the article;

(*g*) "prescribed" means prescribed by rules made under this Act;

(*h*) "scheduled article" means an article included in the Schedule; and

(*i*) an article is said to be marked with a grade designation mark, if the article itself is marked with a grade designation mark or any covering containing or label attached to such article is so marked.

Prescription of grade designation.

3. The Government may, after previous publication by notification in the official Gazette, make rules—

(*a*) fixing grade designations to indicate the quality of any scheduled article;

(*b*) defining the quality indicated by every grade designation;

(*c*) specifying grade designation marks to represent particular grade designations;

(*d*) authorising a person or a body of persons subject to any prescribed conditions, to mark with a grade designation mark any article in respect of which such mark has been prescribed or any covering containing or label attached to any such article;

(*e*) specifying the conditions referred to in clause (*d*) including in respect of any article conditions as to the manner of marking, the manner in which the article shall be packed, the type of covering to be used, and the quantity by weight, number or otherwise to be included in each covering;

(*f*) providing for the payment of any expenses incurred in connection with the manufacture or use of any implement necessary for the reproduction of a grade designation mark or with the manufacture or use of any covering or label marked with a grade designation mark; and

(*g*) providing for the confiscation and disposal of produce marked otherwise than in accordance with the prescribed conditions with a grade designation mark.

Penalty for unauthorised marking with grade designation mark.

4. Whoever marks any scheduled article with a grade designation mark, not being authorised to do so by rules made under section 3, or under any other Act in force for the time being, shall be punishable with fine which may extend to five hundred rupees.

Penalty for counterfeiting grade designation mark.

5. Whoever counterfeits any grade designation mark or has in his possession any die, plate or instrument for the purpose of counterfeiting a grade designation mark shall be punished with imprisonment which may extend to two years, or with fine or with both.

Extension of application of Act.

6. The Government after such consultation as it thinks fit of the interests likely to be affected may, by notification in the official Gazette declare that the provisions of this Act shall apply to an article of agricultural produce not included in the Schedule, and on the publication of such notification such article shall be deemed to be included in the Schedule.

THE SCHEDULE.

*(See section 2).*

(1) Fruit.
(2) Vegetables.
(3) Eggs.
(4) Tobacco other than cigarette-tobacco as defined in the Mysore Cigarette-tobacco Safeguarding Act, 1939.
(5) Areca.

MIRZA M. ISMAIL,
*Dewan.*

*Order No. P. 5471—Legis. 44-39-1, dated Bangalore, the 10th February 1940.*

Ordered that the accompanying Act further to amend the Mysore City Municipalities Act, 1933, which received the assent of His Highness the Maharaja, on the 1st day of February 1940, be published as Act No. VII of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
*Secretary to Government,*
*Law Department.*

ACT No. VII OF 1940.

**The Mysore City Municipalities (amendment) Act, 1940.**

*(Received the assent of His Highness the Maharaja on the first day of February 1940.)*

WHEREAS it is expedient further to amend the Mysore City Municipalities Act, 1933; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Mysore City Municipalities (amendment) Act, 1940.

2. For section 90 of the Mysore City Municipalities Act, 1933, the following section shall be substituted, namely :— Substitution of new section for section 90, Act VII of 1933.

"90. (1) Any person,—

(*a*) selling or keeping for sale without a licence any article liable to octroi and for the sale of which a licence is required to be obtained, or

(*b*) having in his possession any article on which octroi has not been paid but which is liable to octroi and for the sale of which a licence is required to be obtained,

Penalty for selling articles liable to octroi without a licence or for being in possession of any such article on which octroi has not been paid.

shall be liable, on conviction before a Magistrate, to a fine not exceeding ten times the octroi due on all the articles so sold or kept for sale, or possessed, or one hundred rupees, whichever may be greater ; and

(2) any officer of the Municipal Council authorised by the Municipal Council in this behalf, if he has reason to believe that any article on which octroi has not been paid but which is liable to octroi and for the sale of which a licence is required to be obtained is kept or concealed in any premises may, after obtaining the warrant of a Magistrate, enter and search at any time such premises and if he finds any such article on which octroi has not been paid, may seize any such article and arrest any person in possession of the same : Seizure of articles on which octroi duty has not been paid and arrest of person in possession of such articles.

Provided that any article or person so seized or arrested shall be produced before a Magistrate exercising jurisdiction within the municipality within twenty-four hours from the time of such seizure or arrest :

Provided also that nothing in this section shall apply to any article liable to octroi and for the sale of which a licence is required to be obtained, if the value of such article does not exceed two hundred rupees in value and if it is kept by any person for the personal use of himself or any member of his family or sold by such person when not required for such use.

(3) The provisions of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to all searches and arrests effected under this section." Searches and arrests to be governed by the Code of Criminal Procedure, 1904.

MIRZA M. ISMAIL,
*Dewan.*

*Order No. P.* 5472—*Legis.* 44-39-2, *dated Bangalore, the* 10*th February* 1940.

Ordered that the accompanying Act further to amend the Mysore Town Municipalities Act, 1933, which received the assent of His Highness the Maharaja, on the 1st day of February 1940, be published as Act No. VIII of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
*Secretary to Government,*
*Law Department.*

## ACT No. VIII OF 1940.

## The Mysore Town Municipalities (amendment) Act, 1940.

(*Received the assent of His Highness the Maharaja on the first day of February 1940.*)

WHEREAS it is expedient further to amend the Mysore Town Municipalities Act, 1933, it is hereby enacted as follows :—

Short title.

1. This Act may be called the Mysore Town Municipalities (amendment) Act, 1940.

Substitution of new section for section 85, Act VIII of 1933.

2. For section 85 of the Mysore Town Municipalities Act, 1933, the following section shall be substituted, namely :—

"85. (i) Any person—

Penalty for selling articles liable to octroi without a licence or for being in possession of any such article on which octroi has not been paid.

(*a*) selling or keeping for sale without a licence any article liable to octroi and for the sale of which a licence is required to be obtained, or

(*b*) having in his possession any article on which octroi has not been paid but which is liable to octroi and for the sale of which a licence is required to be obtained,

shall be liable, on conviction before a Magistrate, to a fine not exceeding ten times the octroi due on all the articles so sold or kept for sale, or possessed, or one hundred rupees, whichever may be greater ; and

(ii) any officer of the Municipal Council authorised by the Municipal Council in this behalf, if he has reason to believe that any article on which octroi has not been paid but which is liable to octroi and for the sale of which a licence is required to be obtained is kept or concealed in any premises may, after obtaining the warrant of a Magistrate, enter and search at any time such premises and if he finds any such article on which octroi has not been paid, may seize any such article and arrest any person in possession of the same:

Seizure of articles on which octroi duty has not been paid and arrest of person in possession of such articles.

Provided that any article or person so seized or arrested shall be produced before a Magistrate exercising jurisdiction within the municipality within twenty-four hours from the time of such seizure or arrest:

Provided also that nothing in this section shall apply to any article liable to octroi and for the sale of which a licence is required to be obtained, if the value of such article does not exceed two hundred rupees and if it is kept by any person for the personal use of himself or any member of his family or sold by such person when not required for such use.

(iii) The provisions of the Code of Criminal Procedure, 1904, shall, so far as may be, apply to all searches and arrests effected under this section."

Searches and arrests to be governed by the Code of Criminal Procedure, 1904.

MIRZA M. ISMIAL,
*Dewan.*

*Order No. P.* 5473—*Legis.* 45-39-1, *dated Bangalore, the* 10*th February* 1940.

Ordered that the accompanying Act to provide for certain matters in connection with the taking of the census which received the assent of His Highness the Maharaja, on the 1st day of February 1940, be published as Act No. IX of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
*Secretary to Government,*
*Law Department.*

ACT No. IX OF 1940.

# THE MYSORE CENSUS ACT, 1940.

**An Act to provide for certain matters in connection with the taking of the census.**

*(Received the assent of His Highness the Maharaja on the first day of February 1940.)*

WHEREAS it has been determined to take a census of Mysore during the year 1941, and whereas it is expedient to provide for certain matters in connection with the taking of such census; It is hereby enacted as follows :—

Short title and extent.

1. (*a*) This Act may be called the Mysore Census Act, 1940.

(*b*) It extends to the whole of Mysore.

Appointment of census staff.

2. (1) The Government may appoint any person to take, or aid in, or supervise the taking of, the census within any specified local area. Persons so appointed shall be called census-officers.

(2) A declaration in writing, signed by any authority authorised by the Government in this behalf, that any person has been duly appointed a census-officer for any local area shall be conclusive proof of such appointment.

(3) The Government may delegate to such authority as it thinks fit the power of appointing census-officers conferred by sub-section (1).

Status of census authorities as public servants.

3. All census-officers shall be deemed to be public servants within the meaning of the Indian Penal Code, as in force in Mysore.

Discharge of duties of census-officer in certain cases.

4. (1) (*a*) Every officer in command of any body of men belonging to the Military Forces of His Highness the Maharaja,

(*b*) every person in charge of a lunatic asylum, hospital, workhouse, prison or lock-up or of any public, charitable, religious or educational institution,

(*c*) every keeper, secretary or manager of any chattram, hotel, boarding-house, lodging-house, emigration depot or club,

(*d*) every manager or officer of a railway or any commercial or industrial establishment, and

(*e*) every occupant of immovable property wherein at the time of the taking of the census persons are living,—

shall, if so required by the District Magistrate or by such authority as the Government may appoint in this behalf, perform such of the duties of a census-officer in relation to the persons who at the time of the taking of the census are under his command or charge, or are inmates of his house, or are present on or in such immovable property, or are employed under him, as such Magistrate or authority may, by written order direct.

(2) All the provisions of the Act relating to census-officers shall apply, so far as may be, to all persons while performing such duties under this section, and any person refusing or neglecting to perform any duty which under this section he is directed to perform shall be deemed to have committed an offence under section 187 of the Indian Penal Code, as in force in Mysore.

Power to call upon certain persons to give assistance.

5. The District Magistrate, or such authority as the Government may appoint in this behalf for any local area, may, by written order which shall have effect throughout the extent of his district or of such local area, as the case may be, call upon—

(*a*) all owners and occupiers of land, tenure-holders, and farmers and assignees of land revenue, or their agents,

(*b*) all village officers and servants in alienated tracts including inam and khayamgutta villages and jahgirs, and

(*c*) all members and officers of village panchayets, district boards and municipal councils and other local authorities and servants of such authorities,—

to give such assistance as shall be specified in the order towards the taking of a census of the persons who are, at the time of the taking of the census, on the lands of such owners, occupiers, tenure-holders, farmers and assignees, or in the villages or other areas for which such village officers and servants are appointed, or within the areas for which such local authorities are established, as the case may be, and the persons to whom an order under this section is directed shall be bound to obey it and shall, while acting in pursuance of such order, be deemed to be public servants within the meaning of the Indian Penal Code, as in force in Mysore.

Asking of questions and obligation to answer.

6. (1) A census-officer may ask all such questions of all persons within the limits of the local area for which he is appointed as, by instructions issued in this behalf by the Government and published in the official Gazette, he may be directed to ask.

(2) Every person of whom any question is asked under sub-section (1) shall be legally bound to answer such questions to the best of his knowledge and belief:

Provided that no person shall be bound to state the name of any female member of his household, and no woman shall be bound to state the name of her husband or deceased husband or of any other person whose name she is forbidden by custom to mention.

Occupier to permit access and affixing of numbers.

7. Every person occupying any house, enclosure or other place shall allow census-officers such access thereto as they may require for the purpose of the census and as, having regard to the customs of the country, may be reasonable, and shall allow them to paint on, or affix to, the place such letters, marks or numbers as may be necessary for the purposes of the census.

Occupier or manager to fill up schedule.

8. (1) Subject to such orders as the Government may issue in this behalf, a census-officer may, within the local area for which he is appointed, leave or cause to be left a schedule at any dwelling-house or with the manager or any officer of any commercial or industrial establishment, for the purpose of its being filled up by the occupier of such house or of any specified part thereof or by such manager or officer with such particulars as the Government may direct regarding the inmates of such house or part thereof or the persons employed under such manager or officer, as the case may be, at the time of the taking of the census.

(2) When such schedule has been so left, the said occupier, manager or officer, as the case may be, shall fill it up or cause it to be filled up to the best of his knowledge or belief so far as regards the inmates of such house or part thereof or the persons employed under him, as the case may be, at the time aforesaid and shall sign his name thereto and, when so required, shall deliver the schedule so filled up and signed to the census-officer or to such person as the census-officer may direct.

Penalties.

9. (*a*) Any census-officer or any person lawfully required to give assistance towards the taking of a census

who refuses or neglects to use reasonable diligence in performing any duty imposed upon him or in obeying any order issued to him in accordance with this Act or any rule made thereunder, or any person who hinders or obstructs another person in performing any such duty or in obeying any such order, or

(*b*) any census-officer who intentionally puts any offensive or improper question or knowingly makes any false return or, without the previous sanction of the Government, discloses any information which he has received by means of, or for the purposes of, a census return, or

(*c*) any person who intentionally gives a false answer to, or refuses to answer to the best of his knowledge or belief any question asked of him by a census-officer which he is legally bound by section 6 to answer, or

(*d*) any person occupying any house, enclosure or other place who refuses to allow a census-officer such reasonable access thereto as he is required by section 7 to allow, or

(*e*) any person who removes, obliterates, alters or damages before the 31st day of March, 1941, any letters, marks or numbers which have been painted or affixed for the purposes of the census, or

(*f*) any person who, having been required under section 8 to fill up a schedule, knowingly and without sufficient cause fails to comply with the provisions of that section, or makes any false return thereunder,—

shall be punishable with fine which may extend to five hundred rupees.

Sanction required for prosecution.

10. No prosecution under this Act shall be instituted except with the previous sanction of the Government or of an authority authorised in this behalf by the Government.

Operation of other laws not barred.

11. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Act:

Provided that no such prosecution shall be instituted except with the previous sanction referred to in section 10.

Jurisdiction.

12. No Court inferior to that of a Magistrate of the Second Class shall try, whether under this Act or under

any other law, anything which constitutes an offence under this Act.

Record of census not open to inspection nor admissible in evidence.

13. No person shall have a right to inspect any book, register or record made by a census-officer in the discharge of his duties as such, or any schedule delivered under section 8, and notwithstanding anything to the contrary in the Indian Evidence Act, 1872, as applied to Mysore, no entry in any such book, register, record or schedule shall be admissible in evidence in any civil proceeding whatsoever or in any criminal proceeding other than a prosecution under this Act or any other law for any act or omission which constitutes an offence under this Act.

Temporary suspension of other law as to mode of taking census in municipalities.

14. Notwithstanding anything in any enactment or rule with respect to the mode in which census is to be taken in any municipality, the municipal authority, in consultation with such authority as the Government may authorise in this behalf, shall, at the time appointed for the taking of the census of Mysore during the year 1941, cause the census of the municipality to be taken wholly or in part by any method authorised by or under this Act.

Power in regard to expenses.

15. Notwithstanding anything in any enactment or rule in regard to municipal, local, or village funds, the Government may direct that the whole or any part of any expenses incurred for any thing done in accordance with this Act or the rules made thereunder may be charged to any municipal, local or village funds constituted for, and on behalf of, the area within which such expenses were incurred.

Power to to make rules.

16. (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules providing,—

(*a*) for the appointment of census-officers and of persons to perform any of the duties of census-officers or to give assistance towards the taking of a census, and for the general instructions to be issued to such officers and persons;

(*b*) for the enumeration of persons employed on railways and their families and of other classes of the population for which it may be necessary or expedient to make special provision.

MIRZA M. ISMAIL,
*Dewan.*

Regd. No. M.—1175

# The Mysore Gazette

Vol. 75.] PUBLISHED BY AUTHORITY. [No. 9

BANGALORE, THURSDAY, FEBRUARY 29, 1940.

## PART IV.

### Legislative Measures and Rules thereunder.

### NOTIFICATIONS.

*No. T.* 2379—*R. T.* 3-39-16, *dated Bangalore, the 22nd February* 1940.

The following draft amendment which the Government propose to make, in virtue of the powers vested in them under Section 11 of the Mysore Motor Vehicles Act, 1928, to the Mysore Motor Vehicles Rules, 1924, as amended from time to time, is hereby published for the information of persons likely to be affected thereby and any suggestion or objection received on or before the 15th March 1940 in respect of the said draft will be considered by Government.

## Draft Amendment.

*Add* the following as proviso to Rule 39-A of the aforesaid rules:—

*Proviso.*—Provided that exemption from the operation of this rule may be granted by the Traffic Board in respect of any lorry whose weight exceeds six tons, subject to such conditions as it may impose, on the application of the owner of the vehicle giving the following particulars :—

Particulars of vehicle, the maximum laden weight, unladen weight and axle weight of each axle; the number of such vehicles and the roads in which the applicant intends running such vehicle or vehicles.

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*No. T.* 2380—*R. T.* 59-39-1, *dated Bangalore, the 22nd February* 1940.

In exercise of the powers conferred on them by sub-section 3-A of Section 9 of the Mysore Road Traffic and Taxes Act, VI of 1935, as amended by Act IX of 1936, the Government of His Highness the Maharaja are pleased to direct that taxes as noted below shall be levied, as a special case, for periods of seven days and thirty days on motor buses and cabs belonging to or in possession and control of persons not residing in Mysore conveying pilgrims to Shravanabelagola on the occasion of the Mahamastakabhisheka Ceremony in February 1940.

SERVICE TAX.

| | *For periods not exceeding 7 days at a time.* | | | *For periods exceeding 7 days but not exceeding 30 days at a time.* | | |
|---|---|---|---|---|---|---|
| | Rs. | a. | p. | Rs. | a | p. |
| MOTOR CABS AND BUSES.— | | | | | | |
| For every person the vehicle is licensed to carry ... | 1 | 8 | 0 | 3 | 0 | 0 |

MILEAGE CESS.

MOTOR BUSES ... ... Nine pies per mile.

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*No. T.* 2443—*R. T.* 3-39-17, *dated Bangalore, the 26th February* 1940.

In exercise of the powers conferred on them by section 11 of the Mysore Motor Vehicles Act, 1928, the Government of His Highness the Maharaja are pleased to issue the following amendment to the rules regarding Public Service Motor Vehicles issued with notification No. P. 3992—Legis. 46-35, dated 18th December 1935, and amended from time to time, the draft in this behalf having been already published at page 19, Part IV of the *Mysore Gazette*, dated 18th January 1940, with Notification No. T. 2056—R. T. 3-39-13, dated 17th January 1940.

**Amendment.**

The following shall be added as Rule 74-A to the aforesaid rules regarding public service vehicles :—

"74-A. On and after the first day of April 1940, an efficient automatic windscreen wiper shall be fitted to every public service motor vehicle which is so constructed that the driver cannot by opening the windscreen, or otherwise, obtain an adequate view to the front of the vehicle without looking through the windscreen."

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*No. T.* 2444—*R. T.* 3-39-18, *dated Bangalore, the 26th February* 1940.

In exercise of the powers conferred on them by section 11 of the Mysore Motor Vehicles Act, 1928, the Government of His Highness the Maharaja are pleased to issue the following amendment to Mysore Motor Vehicles Rules, 1924, as amended from time to time, the draft amendment in the said behalf having been published with Notification No. T. 1863—R. T. 3-39-11, dated 26th December 1939, at page 1, Part IV of the *Mysore Gazette*, dated 4th January 1940.

**Amendment.**

Add the following as Rule 12-B to the aforesaid rules and re-number the existing Rules 12-B and 12-C as 12-C and 12-D, respectively:—

"12-B. If the registering authority is satisfied that a motor vehicle has been permanently removed out of Mysore State, the registering authority shall cancel the registration."

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*No. P.* 5876—*Legis., dated Bangalore, the* 26*th February* 1940.

In exercise of the powers conferred by Section 6 of the Registration of Foreigners Act, 1940 (V of 1940), the Government of His Highness the Maharaja are pleased to make the following amendment in the Declarations published under Notification No. P. 435—Legis. 36-38-5, dated the 21st July 1939, namely—

In the said Declarations—

In Declaration 4 for the words "or Portugese India" the words "Portugese India, the Straits Settlements or the Federated Malay States" shall be substituted.

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*No. L.* 7377—*Ml.* 145-39-8, *dated Bangalore, the* 22*nd February* 1940.

In exercise of the powers vested in them under Section 228 (2) (*h*) of the Mysore City Municipalities Act, 1933, as amended from time to time and the rules framed thereunder, Government are pleased to direct that an addition as noted in the margin be made to rule 45 of the rules for the regulation of water-supply in Bangalore City issued with Notification No. L. 2153—Ml. 105-34-9, dated 26th August 1939.

"In the case of houses containing flushing latrines, however, an additional free allowance of 750 gallons per month shall be allowed in respect of each such latrine, provided that the concession shall not apply to more than two such latrines in a single house or premises."

The amended rule will read as follows:—

The free allowance of water to a consumer for domestic connection shall be regulated as follows :—

For every one rupee of the annual rental value of the premises, the authorised free allowance shall be 100 gallons per annum, but in no case shall such free allowance be less than 3,000 gallons or more than 10,000 gallons per month. In the case of houses containing flushing latrines, however, an additional free allowance of 750 gallons per month shall be allowed in respect of each such latrine, provided that the concession shall not apply to more than two such latrines in a single house or premises.

The same rates shall apply to Government buildings used for residential purposes.

By Order,

H. V. NARAYANA RAO,

*Secretary to Government,*

*Law Department.*

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175

# The Mysore Gazette

## EXTRAORDINARY.

PUBLISHED BY AUTHORITY.

BANGALORE, FRIDAY, MARCH 1, 1940.

PART IV.

**Legislative Measures and Rules thereunder.**

NOTIFICATION.

*Order No. P. 5970—Legis. 51-39-1, dated Bangalore, the 1st March 1940.*

Ordered that the accompanying Emergency Act further to amend the Sugar (Excise Duty) Act, 1934, be published as Act No. XV of 1940 in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
*Secretary to Government,*
*Law Department.*

## ACT No. XV OF 1940.

### The Sugar (Excise Duty) (amendment) Act, 1940.

WHEREAS an emergency has arisen which makes it necessary to revise the excise duty on sugar:

Now therefore in exercise of the powers conferred by section 12 of the Mysore Legislative Council Act, 1923, it is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Sugar (Excise Duty) (amendment) Act, 1940.

(2) It shall come into force on and from the 1st day of March 1940.

Amendment of section 3, Act II of 1934.

2. In clause (ii) of sub-section (2) of section 3 of the Sugar (Excise Duty) Act, 1934, for the words "two rupees" the words "three rupees" shall be substituted.

N. MADHAVA RAU,

*First Member of Council,*
*(In charge of the current duties of the Dewan).*

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175.

# The Mysore Gazette

Vol. 75.] PUBLISHED BY AUTHORITY. [No. 10

BANGALORE, THURSDAY, MARCH 7, 1940.

## PART IV.

### Legislative Measures and Rules thereunder.

### NOTIFICATIONS.

*No. D.* 3898—*I. & C.* 453-39-2, *dated Bangalore, the 29th February* 1940.

In exercise of the powers vested in them under Section 1 (3) of the Mysore Coffee Husk Control Act, II of 1940, the Government of His Highness the Maharaja of Mysore are pleased to direct that the Act shall come into force with effect from 1st April 1940.

By Order,

C. E. NORONHA,

*Secretary to Government,*
*Development Department.*

*No. P.* 5678—*Legis.* 47-39-1, *dated Bangalore, the* 14*th February* 1940.

Ordered that the accompanying Act further to amend the Code of Criminal Procedure, 1904, which received the assent of His Highness the Maharaja of Mysore, on the 1st day of February 1940 be published as Act XI of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
*Secretary to Government,*
*Law Department.*

## ACT XI OF 1940.

## The Code of Criminal Procedure (amendment) Act, 1940.

(*Received the assent of His Highness the Maharaja on the* 1*st day of February* 1940.)

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1904; It is hereby enacted as follows:—

Short title.

*1.* This Act may be called the Code of Criminal Procedure (amendment) Act, 1940.

Amendment of section 4, Act II of 1940.

*2.* For the definition of "European British Subject" in section 4 (1) (r) of the Code of Criminal Procedure, 1904 (hereinafter referred to as the Code), the following shall be substituted, namely—

"(1) "European British Subject" means—

(*a*) any subject of His Majesty the King-Emperor of European descent in the male line born, naturalised or domiciled in any part of His Majesty the King-Emperor's Dominions exclusive of British India and of British Burma, or

(*b*) any subject of His Majesty the King-Emperor who is the child or grandchild of any such person by legitimate descent;"

3. In sub-section (1) of section 130 of the Code, after the words "the Maharaja" the following words shall be inserted, namely— Amendment of section 130, Act II of 1904

"or in the Kolar Gold Fields Battalion of the Auxiliary Force (India)."

4. In section 131 of the Code, after the words "the Maharaja" the following words shall be inserted, namely— Amendment of section 131, Act II of 1904

"or of any local unit of the Auxiliary Force (India) referred to in sub-section (1) of section 130."

MIRZA M. ISMAIL,
*Dewan.*

*Order No. P.* 5680—*Legis.* 48-39-1, *dated Bangalore, the* 14*th February* 1940.

Ordered that the accompanying Mysore Public Security Act which received the assent of His Highness the Maharaja, on the 2nd day of February 1940, be published as Act No. XII of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
*Secretary to Government,*
*Law Department.*

ACT No. XII OF 1940.

## THE MYSORE PUBLIC SECURITY ACT, 1940.

(*Received the assent of His Highness the Maharaja on the 2nd day of February* 1940.)

WHEREAS it is expedient to supplement the criminal law for the purpose of securing the public safety and interest; It is hereby enacted as follows:—

### CHAPTER I.

### PRELIMINARY.

1. (1) This Act may be called the Mysore Public Security Act, 1940. Short title, extent and duration.

(2) The Government may, by notification in the official Gazette, from time to time, apply all or any of the provisions of this Act to the whole or any part of the State and may cancel or modify such notification from time to time.

Definitions

2. In this Act unless there is anything repugnant in the subject or context—

(1) "the Code" means the Code of Criminal Procedure, 1904;

(2) (*a*) "association" means any combination or body of persons, whether the same be known by any distinctive name or not, and

(*b*) "unlawfull association" means an association,—

(*i*) which encourages or aids persons to commit acts of violence or intimidation or the members of which habitually commit such acts, or

(*ii*) which has been declared to be unlawful by the Government under the powers conferred under this Act;

(3) "foreigner" shall denote a person who is not a natural born subject of His Highness the Maharaja, or who has not acquired domicile in the State by residence therein for not less than five years immediately preceding the date when the question of his status arises coupled with the intention to reside therein permanently;

(4) "notified place" means a place which has been notified under section 14;

(5) (*i*) "public meeting" means a meeting which is open to the public or any class or portion of the public;

(*ii*) a meeting may be a public meeting notwithstanding that it is held in a private place and notwithstanding that admission thereto may have been restricted by ticket or otherwise.

## CHAPTER II.

### SPECIAL POWERS OF ARREST, DETENTION AND SEARCH.

Power to arrest and detain suspected persons.

3. (1) Any officer of the Government, authorised in this behalf, by general or special order of the Government, may, if satisfied that there are reasonable grounds for believing that any person has acted, is acting, or is about to act, in a manner prejudicial to the public safety or

peace, himself arrest such person without warrant, or may direct the arrest without warrant of such person, and in making such arrest, may use any means that may be necessary to effect the arrest.

(2) An arrest made by or on the direction of any officer under this section shall be reported forthwith to the Government by the officer so making or so directing the arrest, as the case may be, and such officer may, by order in writing, commit any person so arrested to such custody as the Government may, by general or special order, specify in this behalf:

Provided that no person shall, unless the Government by special order otherwise directs, be so detained in custody for a period exceeding fifteen days:

Provided further that no person shall be so detained in custody for a period exceeding two months.

(3) Any order passed by an officer under sub-section (1) may be revised by the Government.

Power to control suspected persons.

4. (1) The Government, if satisfied that there are reasonable grounds for believing that any person has acted, is acting, or is about to act, in a manner prejudicial to the public safety or peace or in furtherance of a movement prejudicial to the public safety or peace, may, by order in writing, give any one or more of the following directions, namely, that such person,—

(*a*) shall not enter, reside or remain in any area specified in the order;

(*b*) shall reside or remain in any area specified in the order;

(*c*) shall remove himself from, and shall not return to, any area specified in the order;

(*d*) shall conduct himself in such manner, abstain from such acts, or take such order with any property in his possession or under his control, as may be specified in the order.

(2) An order made under sub-section (1) shall not, unless the Government by special order otherwise directs, remain in force for more than one month from the making thereof.

(3) An order made under sub-section (1) shall be served on the person to whom it relates in the manner provided in the Code for service of a summons.

Power to prohibit or regulate traffic.

5. (1) The District Magistrate may, by order in writing, prohibit or regulate, in such way as he may think

necessary in the interests of the public safety or peace, traffic over any road, pathway, bridge, waterway or ferry.

(2) Whoever disobeys, or neglects to comply with, an order made under this section shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

Power to secure reports of public meetings.

6. The District Magistrate, if, in his opinion, it is necessary in the interests of the public safety or peace, may, by order in writing, depute one or more police officers not below the rank of Sub-Inspector, or other persons, to attend any public meeting for the purpose of causing a report to be made of the proceedings, and may, by such order, authorise the persons so deputed to take with them an escort of police officers.

Power to issue search warrants.

7. The power to issue search warrants conferred by section 98 of the Code shall be deemed to include a power to issue warrants authorising—

(*a*) the search of any place in which any Magistrate mentioned in that section has reason to believe that any offence under this Act or any act prejudicial to the public safety or peace has been, is being, or is about to be committed, or that preparation for the commission of any such offence or act is being made;

(*b*) the seizure in or on any place searched under clause (*a*) of anything which the officer executing the warrant has reason to believe is being used, or is intended to be used, for any purpose mentioned in that clause;

and the provisions of the Code shall, so far as may be, apply to searches made under the authority of any warrant issued, and to the disposal of any property seized, under this section.

Dissemination of contents of proscribed documents.

8. Whoever publishes, circulates, sells, or repeats in public any passage from, a newspaper, book or other document, copies whereof have been declared forfeited to the Government under any law for the time being in force, shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

Power to give effect to orders if disobeyed.

9. (1) If any person disobeys or neglects to comply with an order made, direction given, or condition prescribed, in accordance with the provisions of this Chapter, the authority which made the order, gave the direction, or prescribed the condition may, take or cause to be taken such action as it thinks necessary to give effect thereto.

(2) No claim for compensation may be lodged for loss or damage caused in any case where action has been taken under sub-section (1).

Penalty for disobeying order under Section 4.

10. Whoever disobeys or neglects to comply with any order made or direction given in accordance with the provisions of section 4 shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

## CHAPTER III.

### UNLAWFUL ASSOCIATION.

Power to declare associations unlawful.

11. If the Government is of opinion that any association interferes or has for its object interference with the administration of the law or with the maintenance of law and order, or that it constitutes a danger to the public peace, the Government may, by notification in the official Gazette, declare such association to be unlawful.

Penalties.

12. (1) Whoever is a member of an unlawful association, or takes part in meetings of any such association, or contributes or receives or solicits any contribution for the purpose of any such association, or in any way assists the operations of any such association, shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

(2) Whoever manages or assists in the management of an unlawful association, or promotes, or assists in promoting, a meeting of any such association, or of any members thereof as such members, shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

Continuance of association

13. An association shall not be deemed to have ceased to exist by reason only of any formal act of dissolution or change of title, but shall be deemed to continue so long as any actual combination for the purposes of such association continues between any members thereof.

Power to notify and take possession of places used for the purposes of an unlawful association.

14. (1) The Government may, by notification in the official Gazette, notify any place which in its opinion is used for the purposes of an unlawful association.

(2) The District Magistrate, or any officer authorised in this behalf in writing by the District Magistrate, may thereupon take possession of the notified place and evict therefrom any person found therein, and shall

forthwith make a report of the taking of possession to the Government:

Provided where such place contains any apartment occupied by women and children, reasonable time and facilities shall be afforded for their withdrawal with the least possible inconvenience.

(3) A notified place whereof possession is taken under sub-section (2) shall be deemed to remain in the possession of the Government so long as the notification under sub-section (1) in respect thereof remains in force.

Moveable property found in a notified place.

15. (1) The District Magistrate or other officer taking possession of a notified place shall also take possession of all moveable property found therein, and shall make a list thereof and submit it, with a report of the taking of possession of such moveable property, to the Government.

(2) If, in the opinion of the Government, any article specified in the list is or may be used for the purpose of the unlawful association, the Government may, by order in writing, declare such article to be forfeited to the Government and may give such directions for the disposal thereof as it may think fit.

(3) All other articles specified in the list which are not so forfeited shall be delivered by the District Magistrate to the person whom he considers to be entitled to possession thereof, or if no such person is found, shall be disposed of in such manner as the District Magistrate may direct.

Trespass upon notified places.

16. Any person who enters or remains upon a notified place without the permission of the District Magistrate, or of an officer authorised by him in this behalf, shall be deemed to commit criminal trespass, and notwithstanding anything contained in the Code any such offence of criminal trespass shall be cognisable and non-bailable.

The relinquishment of property.

17. Before a notification under sub-section (1) of section 14 is cancelled, the Government shall give such general or special directions as it may deem requisite regulating the relinquishment by the Government of possession of notified places.

Power to forfeit funds of an unlawful association.

18. (1) Where the Government is satisfied, after such inquiry as it may think fit, that any monies, securities or credits are being used or are intended to be used

for the purposes of an unlawful association, the Government may, by order in writing, declare such monies, securities or credits to be forfeited to the Government.

(2) A copy of an order under sub-section (1) may be served on the person having custody of the monies, securities or credits, and on the service of such copy, such person shall pay or deliver the monies, securities or credits to the order of the Government:

Provided that, in the case of monies or securities, a copy of the order may be endorsed for execution to such officer as the Government may select, and such officer shall have power to enter upon and search for such monies and securities in any premises where they may reasonably be suspected to be, and to seize the same.

(3) Where the Government has reason to believe that any person has custody of any monies, securities or credits which are being used or are intended to be used for the purposes of an unlawful association, the Government may, by order in writing, prohibit such person from paying, delivering, transferring or otherwise dealing in any manner whatsoever with the same, save in accordance with the written orders of the Government. A copy of such order shall be served upon the person to whom it is directed.

(4) The Government may endorse a copy of an order under sub-section (3) for investigation to any officer it may select, and such copy shall be warrant whereunder such officer may enter upon any premises of the person to whom the order is directed, examine the books of such person, search for monies and securities, and make inquiries from such person, or any officer, agent or servant of such person, touching the origin of, and dealings in, any monies, securities or credits which the investigating officer may suspect are being used or are intended to be used for the purposes of an unlawful association.

(5) A copy of an order under this section may be served in the manner provided in the Code for the service of a summons, or, where the person to be served is a corporation, company, bank or association of persons, it may be served on any secretary, director or other officer or person concerned with the management thereof, or by leaving it or sending it by post addressed to the corporation, company, bank or association at its registered office,

or where there is no registered office, at the place where it carries on business.

(6) Where an order of forfeiture is made under sub-section (1) in respect of any monies, securities or credits in respect of which a prohibitory order has been made under sub-section (3), such order of forfeiture shall have effect from the date of the prohibitory order, and the person to whom the prohibitory order was directed shall pay or deliver the whole of the monies, securities, or credits forfeited to the order of the Government.

(7) Where any person liable under this section to pay or deliver any monies, securities, or credits to the order of the Government, refuses or fails to comply with any direction of the Government in this behalf, the Government may recover from such person, as arrears of land revenue or as a fine, the amount of such monies or credits or the market value of such securities.

(8) In this section, "security" means a document whereby any person acknowledges that he is under a legal liability to pay money, or whereunder any person obtains a legal right to the payment of money; and the "market value of any security" means the value as fixed by any officer or person deputed by the Government in this behalf.

## CHAPTER IV.

### PREVENTION OF SEDITIOUS AND CERTAIN OTHER PUBLIC MEETINGS.

Power of Government to notify proclaimed area.

19. (1) The Government may, by notification in the official Gazette, declare the whole or any part of the State to be a proclaimed area.

(2) A notification made under sub-section (1) shall not remain in force for more than six months; but nothing in this sub-section shall be deemed to prevent the Government from making any further notification in respect of the same area from time to time as it may think fit.

Notice to be given of public meetings.

20. (1) No public meeting for the furtherance or discussion of any subject likely to cause disturbance or public excitement, or for the exhibition or distribution of any writing or printed matter relating to any such subject, shall be held in any proclaimed area—

(*a*) unless written notice of the intention to hold such meeting and of the time and place of such meeting

has been given to the District Magistrate at least three days previously ; or

(*b*) unless permission to hold such meeting has been obtained in writing from the District Magistrate.

(2) Nothing in this section shall apply to any public meeting held under any statutory or other express legal authority or to any public meetings or class of public meetings exempted for that purpose by the Government by general or special order.

Power to prohibit public meetings.

21. The District Magistrate may, at any time, by order in writing, of which public notice shall forthwith be given, prohibit any public meeting in a proclaimed area, if, in his opinion, such meeting is likely to promote sedition or disaffection or to cause a disturbance of the public tranquillity.

Penalties.

22. (1) Any person concerned in the promotion or conduct of a public meeting held in a proclaimed area contrary to the provisions of section 20 shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

(2) Any public meeting which has been prohibited under section 21 shall be deemed to be an unlawful assembly within the meaning of Chapter VIII of the Indian Penal Code, as in force in Mysore, and of Chapter IX of the Code.

Penalty for delivery of speeches in public places.

23. Whoever, in a proclaimed area, in a public place or a place of public resort, otherwise than at a public meeting held in accordance with, or exempted from the provisions of section 20, without the permission in writing of the District Magistrate, previously obtained, delivers any lecture, address, or speech on any subject likely to cause disturbance or public excitement to persons then present, may be arrested without warrant and shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

## CHAPTER V.

### PROVISIONS AGAINST CERTAIN FORMS OF INTIMIDATION.

24. (1) Whoever,—

Molesting a person to prejudice of employment or business.

(*a*) with intent to cause any person to abstain from doing or to do any act which such person has a right to do or to abstain from doing, obstructs or uses violence to or intimidates such person or any member of his family

or person in his employ, or loiters at or near a place where such person or member or employed person resides or works or carries on business or happens to be, or persistently follows him from place to place or interferes with any property owned or used by him or hinders him in the use thereof, or

(*b*) loiters or does any similar act at or near the place, where a person carries on business, in such a way and with intent that any person may thereby be deterred from entering or approaching or dealing at such place,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

*Explanation.*—Encouragement of indigenous industries or advocacy of temperance without the commission of any of the acts prohibited by this section is not an offence under this section.

(2) No Court shall take cognizance of an offence punishable under this section except upon a report in writing of facts which constitute such offence made by a police officer not below the rank of Sub-Inspector.

Procedure in offences under the Chapter.

25. Notwithstanding anything contained in the Code, an offence punishable under section 24 shall be cognizable by the police and shall be non-bailable.

Power to Government to make certain offences cognizable and non-bailable.

26. (1) The Government may, by notification in the official Gazette, declare that any offence punishable under sections 186, 188, 190, 228, 293, 384, 385, 426, 427, 505, 506 or 507 of the Indian Penal Code, as in force in Mysore, when committed in any area specified in the notification shall, notwithstanding anything contained in the Code be cognizable, and thereupon the Code shall, while such notification remains in force, be deemed to be amended accordingly.

(2) The Government may, in like manner and subject to the like conditions, and with the like effect declare that an offence punishable under section 188 or section 506 of the Indian Penal Code, as in force in Mysore, shall be non-bailable.

## CHAPTER VI.

### PROVISIONS AGAINST INSTIGATION TO THE ILLEGAL REFUSAL OF THE PAYMENT OF CERTAIN LIABILITIES

Power to declare notified areas and notified liabilities.

27. (1) The Government may, by notification in the official Gazette, declare that the whole or any part of the

State shall be a notified area for the purposes of this Chapter.

(2) The Government may further, by the same or by subsequent notification, declare that in such notified area, land revenue or any sum recoverable as arrears of land revenue or any tax, rate, cess or other dues or amount payable to the Government or to any local authority, or rent of agricultural land or anything recoverable as arrears of or along with such rent, shall be a notified liability.

Punishment for unlawful instigation to the non-payment of notified liability.

28. Whoever by words, either spoken or written, or by signs or by visible representations or otherwise, instigates, expressly or by implication any person or class of persons not to pay or to defer payment of any notified liability or whoever does any act with intent, or knowing it to be likely that any words, signs, or visible representations containing such instigation, shall thereby be communicated directly or indirectly to any person or class of persons, in any manner whatsoever, shall be punishable with imprisonment which may extend to six months or with fine, or with both.

*Explanation.*—Comments made in good faith expressing disapprobation of the incidence, rate or amount of a notified liability, without instigating refusal to pay such liability, but with a view to securing by lawful means a temporary or permanent remission or reduction thereof shall not constitute an offence under this section.

Power to collect an arrear of a notified liability as an arrear of land revenue.

29. (1) Any person to whom an arrear of a notified liability is due, may apply in writing to the Deputy Commissioner to realize it, and the Deputy Commissioner may, after satisfying himself that the amount claimed is due, proceed to recover it as an arrear of land revenue, in accordance with the law applicable to the recovery of arrears of land revenue in the area concerned.

(2) Nothing in this section shall prevent any person, to whom an arrear of a notified liability is due, from recovering it in accordance with the law applicable to the recovery of such arrear.

(3) Any person from whom an amount has been recovered under this section in excess of the amount due from him, may recover such excess in accordance with law from the person on whose behalf the Deputy Commissioner has realized it.

Special rule of procedure.

30. No magistrate shall take cognizance of any offence punishable under this Chapter, except upon a report in writing of facts, which constitute such offence, made by a police officer not below the rank of Sub-Inspector.

## CHAPTER VII.

### PROVISIONS RELATING TO FOREIGNERS.

Proof of being a foreigner.

31. If a question shall arise whether any person alleged to be a foreigner, is a foreigner or not, the onus of proving that such person is not a foreigner, shall lie upon such person.

Government may order foreigner to remove himself.

32. The Government may, by writing, order any foreigner to remove himself from Mysore, or to remove himself therefrom by a particular route to be specified in the order.

Foreigner may be apprehended or detained pending order of removal.

33. (1) Whenever a District Magistrate considers that the Government should be moved to issue an order under section 32 in respect of any foreigner who is within the jurisdiction of such Magistrate, he may report the case to the Government and at the same time issue a warrant for the apprehension of such foreigner.

(2) The Magistrate issuing a warrant under sub-section (1) may, in his discretion, direct by endorsement on the warrant that if such foreigner executes a bond with or without sureties for his attendance at a specified place and time, the person to whom the warrant is directed shall take such security and release such foreigner from custody.

(3) Any person executing a warrant under sub-section (1) may search for and apprehend the foreigner named in such warrant; and, subject to any direction issued under sub-section (2), shall forthwith cause such foreigner when apprehended to be produced before the Magistrate issuing the warrant.

(4) When a foreigner for whose apprehension a warrant has been issued under sub-section (1) is produced or appears before the Magistrate issuing such warrant, such magistrate may direct him to be detained in custody pending the orders of the Government, or may release him on his executing a bond with or without sureties to appear at a specified place and time and thereafter if and when required until such orders are obtained.

(5) Any magistrate who has in accordance with the provisions of sub-section (4) ordered a foreigner to be detained or released on his executing a bond shall forthwith report the fact to the Government. On the receipt of a report under this section, the Government shall without delay either direct that the foreigner be discharged or make an order for the removal of such foreigner in accordance with the provisions of section 32.

Penalty for refusing to move or returning after removal.

34. (1) If any foreigner ordered to remove himself from Mysore, or ordered to remove himself therefrom by a particular route, shall neglect or refuse to do so, or

if any foreigner, having removed himself from Mysore in consequence of an order issued under any of the provisions of this Chapter, or having been removed from Mysore under any of the said provisions, shall wilfully return thereto without permission in writing granted by the Government,

such foreigner may be apprehended and detained in safe custody and the Government may thereupon discharge him upon such terms and conditions as the Government shall deem sufficient or cause him to be removed from the State in such manner as it shall deem fit.

(2) Notwithstanding anything in the provisions of this Chapter, if a foreigner disobeys or neglects to comply with any order made or directions given in accordance with the provisions of this Chapter, he shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

## CHAPTER VIII.

### SUPPLEMENTAL.

Penalty for obstructing officers.

35. Whoever intentionally obstructs any officer in the exercise of any of the powers vested in him by this Act shall be held to have committed the offence specified in section 186 of the Indian Penal Code, as in force in Mysore.

Cognisance of offence.

36. No court inferior to that of a Magistrate of the First Class shall try any offence against this Act.

Jurisdiction barred.

37. Except as provided in this Act, no proceeding or order taken or made or purporting to be taken or made or deemed to have been so taken or made under this Act, shall be called in question by any court, and no civil or

criminal proceeding shall be instituted against any person for anything done or in good faith intended to be done under this Act or against any person for any loss or damage caused to or in respect of any property whereof possession has been taken under this Act.

Repeal and savings.

38. The Mysore Public Security Act (Emergency Act No. XXIV of 1939) is hereby repealed. But any rules made, anything done and any action taken in exercise of any power conferred by or under the said Mysore Public Security Act (Act No. XXIV of 1939) shall be deemed to have been made, done or taken in exercise of powers conferred by or under this Act as if this Act had commenced on the 25th day of September 1939.

MIRZA M. ISMAIL,
*Dewan.*

*Order No. P* 5681—*Legis.* 49-39-1, *dated Bangalore,* 14*th February* 1940.

Ordered that the accompanying Act further to amend the Mysore Income-tax Act, 1923, which received the assent of His Highness the Maharaja on the 2nd day of February 1940, be published as Act No. XIII of 1940 in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
*Secretary to Government,*
*Law Department.*

## ACT NO. XIII OF 1940.

### The Mysore Income-tax (amendment) Act, 1940.

(*Received the assent of His Highness the Maharaja on the 2nd day of February* 1940.)

WHEREAS it is expedient further to amend the Mysore Income-tax Act, 1923, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title and commencement.

1. (*i*) This Act may be called the Mysore Income-tax (amendment) Act, 1940;

(*ii*) It shall come into force on the first day of July 1940.

2. For section 3 of the Mysore Income-tax Act, 1923 (hereinafter referred to as the said Act), the following section shall be substituted, namely :— Substitution of new section for section 3, Act V of 1923.

"3. Income-tax shall be charged for the year beginning with the first day of July 1940 and in respect of each subsequent year, at the rate or rates specified in Schedule I, in accordance with and subject to the provisions of this Act, in respect of all income, profits and gains of the previous year of every individual, Hindu undivided family, company, firm and other association of individuals. Charge of Income-tax

*Explanation.*—For the purpose of sections 3 and 55, income-tax and super-tax chargeable during the year beginning with the first day of July 1939 or any previous year shall, so far as may be, be leviable at the rates specified in Schedules I and II as in force during those years."

3. For Schedule I to the said Act, the following Schedule shall be substituted, namely :— Substitution of new Schedule for Schedule I to Act V of 1923.

## "Schedule I.

### RATES OF INCOME-TAX.

(*Section* 3.)

A. In the case of every individual, every Hindu undivided family, every unregistered firm and every other association of individuals not being a registered firm or a company :—

| | | *Rate.* |
|---|---|---|
| 1. | Where the total income is less than Rs. 2,400. | Nil. |
| 2. | Where the total income is Rs. 2,400 or upwards, but less than Rs. 5,000. | Three pies in the rupee. |
| 3. | Where the total income is Rs. 5,000 or upwards, but less than Rs. 10,000. | Four and half pies in the rupee. |
| 4. | Where the total income is Rs. 10,000 or upwards, but less than Rs. 15,000. | Six pies in the rupee. |
| 5. | Where the total income is Rs. 15,000 or upwards, but less than Rs. 20,000. | Seven and half pies in the rupee. |
| 6. | Where the total income is Rs. 20,000 or upwards, but less than Rs. 30,000. | Nine pies in the rupee. |

| | | *Rate.* |
|---|---|---|
| 7. | Where the total income is Rs. 30,000 or upwards, but less than Rs. 40,000. | Twelve pies in the rupee. |
| 8. | Where the total income is Rs. 40,000 or upwards, but less than Rs. 50,000. | Fifteen pies in the rupee. |
| 9. | Where the total income is Rs. 50,000 or upwards, but less than Rs. 75,000. | Eighteen pies in the rupee. |
| 10. | Where the total income is Rs. 75,000 or upwards. | Twenty-four pies in the rupee. |

B. In the case of every company and every registered-firm :—

| | | |
|---|---|---|
| 1. | Where the total income is Rs. 2,400 or upwards, but less than Rs. 4,800 | Eighteen pies in the rupee. |
| 2. | Where the total income is Rs. 4,800 or upwards. | Twenty-four pies in the rupee." |

MIRZA M. ISMAIL,
*Dewan.*

*Order No. P.* 5679—*Legis.* 50-39-1, *dated Bangalore, the* 14*th February* 1940.

Ordered that the accompanying Act to provide for the better control of the press and the publication of newspapers and other printed works containing public news which received the assent of His Highness the Maharaja on the 2nd day of February 1940 be published as Act No. XIV of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
*Secretary to Government,*
*Law Department.*

## ACT XIV OF 1940.

## THE MYSORE PRESS AND NEWSPAPERS ACT, 1940.

**An Act to provide for the better control of the press and the publication of newspapers and other printed works containing public news.**

(*Received the assent of His Highness the Maharaja on the 2nd day of February 1940.*)

Preamble. WHEREAS it is expedient to provide for the better control of the press and the publication of newspapers

and other works containing public news; It is hereby enacted as follows:—

Short title and extent.

1. (1) This Act may be called the Mysore Press and Newspapers Act, 1940.

(2) It extends to the whole of Mysore.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(1) "book" includes every volume, part or division of a volume, pamphlet and leaflet, in any language, and every sheet of music, map, chart or plan separately printed or lithographed;

(2) "document" includes also any painting, drawing or photograph or other visible representation;

(3) "newspaper" means any periodical work containing public news or comments on public news;

(4) "news-sheet" means any document other than a newspaper containing public news or comments on public news or any matter described in sub-section (1) of section 4;

(5) "press" includes a printing press and all machines, implements and plant and parts thereof and all materials used for multiplying documents;

(6) "printing press" includes all engines, machinery, types, lithographic stones, implements, utensils and other plant or materials used for the purpose of printing;

(7) "unauthorised newspaper" means:

(*a*) any newspaper in respect of which there are not, for the time being, valid declarations under section 5 of the Indian Press and Registration of Books Act, No. XXV of 1867, as in force in Mysore; and

(*b*) any newspaper in respect of which security has been required under this Act, but has not been furnished as required;

(8) "unauthorised news-sheet" means any news-sheet other than a news-sheet published by a person authorised under section 15 to publish it; and

(9) "undeclared press" means any press in respect of which there is not, for the time being, a valid declaration under section 4 of the Indian Press and Registration of Books Act, No. XXV of 1867, as in force in Mysore.

## Control of Printing Presses and Newspapers.

Deposit of security by keepers of printing presses.

3. (1) (*a*) Any person keeping a printing press who is required to make a declaration under section 4 of the Indian Press and Registration of Books Act, No. XXV of 1867, as in force in Mysore, may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writing, to deposit with the Magistrate within ten days from the day on which the declaration is made, security to such an amount, not being more than two hundred and fifty rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof, in securities of the Government of Mysore as the person making the deposit may choose:

Provided that if a deposit has been required under sub-section (3) from any previous keeper of the printing press, the security which may be required under this sub-section may amount to one thousand rupees.

(*b*) Any person keeping a printing press who has been ordered to deposit security under clause (*a*) of sub-section (1) may, within thirty days of the date of the order of the Magistrate, appeal against it to the Government which may pass such order as it deems fit on such appeal.

(2) Where security required under sub-section (1) has been deposited in respect of any printing press, and for a period of three months from the date of the declaration mentioned in sub-section (1) no order is made by the Government under section 4 in respect of such press, the security shall, on application by the keeper of the press, be refunded.

(3) Whenever it appears to the Government that any printing press, in respect of which no security under the provisions of this Act has been required, or having been required has been refunded under sub-section (2) is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations of the nature described in section 4, sub-section (1), the Government may issue notice in writing to the keeper of the press stating or describing such words, signs or visible representations, to show cause why he should not be ordered to furnish security and on his failure to explain to the satisfaction of the

Government, the Government may, by further notice in writing, order the keeper to deposit with the Magistrate within whose jurisdiction the press is situated security to such an amount, not being more than one thousand rupees as the Government may think fit to require, in money or the equivalent there of in securities of the Government of Mysore as the person making the deposit may choose.

(4) Such notice shall in each case appoint a date, not being sooner than the tenth day after the date of the issue of the notice, on or before which the explanation shall be given or the deposit shall be made.

Power to declare security or press forfeited certain cases

4. (1) Whenever it appears to the Government that any printing press, in respect of which any security has been ordered to be deposited under section 3, sub-section (1) or (3) and has been so deposited, is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which—

(*a*) incite to or encourage, or tend to incite to or to encourage, the commission of any offence of murder or any cognizable offence involving violence, or

(*b*) directly or indirectly express approval or admiration of any such offence, or of any person, real or fictitious, who has committed or is alleged or represented to have committed any such offence,

or which tend directly or indirectly,

(*c*) to seduce any officer, sowar, driver, sepoy or follower in the Mysore Military Forces or any officer, soldier, sailor or airman in the military, naval or air forces of His Majesty the King-Emperor of India or any police officer from his allegiance or his duty, or

(*d*) to bring into hatred or contempt His Majesty the King-Emperor of India, or His Highness the Maharaja, or the Government established by law in British India and in the territories of His Highness the Maharaja, or the administration of justice in Mysore or any class or section of the subjects of His Majesty the King-Emperor of India or of His Highness the Maharaja, or to excite disaffection towards His Majesty the King-Emperor of India or His Highness the Maharaja or the said Governments, or

(*e*) to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person

any property or valuable security or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or

(*f*) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence or to refuse or defer payment of land revenue, tax, rate, cess or other dues or amount payable to the Government, or to any local authority, or any rent of agricultural land or anything recoverable as arrears of or along with such rent, or

(*g*) to induce a public servant or a servant of a local authority to do any act or to forbear or delay to do any act connected with the exercise of his public functions or to resign his office, or

(*h*) to promote feelings of enmity or hatred between different classes of the subjects of His Majesty the King-Emperor of India or of His Highness the Maharaja, or

(*i*) to prejudice the recruiting of persons to serve in any of the Mysore Military Forces, or in any of the forces of His Majesty the King-Emperor of India, or in any police force, or to prejudice the training, discipline or administration, of any such force,

the Government may issue notice in writing to the keeper of such printing press stating or describing the words, signs or visible representations which in its opinion are of the nature described above, to show cause why such security should not be ordered to be forfeited and on his failure to explain to the satisfaction of the Government, the Government may, by further notice in writing, declare such security or any portion thereof to be forfeited to the Government.

*Explanation* (*i*)—No expression of approval or admiration made in a historical or literary work shall be deemed to be of the nature described in this sub-section unless it has the tendency described in clause (*a*).

(*ii*) Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (*d*) of this sub-section.

(*iii*) Comments expressing disapprobation of the administrative or other action of the Government without

exciting or attempting to excite hatred, contempt or disaffection, shall not be deemed to be of the nature described in clause (*d*) of this sub-section.

(*iv*) Words pointing out, without malicious intention and with an honest view to their removal, matters which are producing or have a tendency to produce feelings of enmity or hatred between different classes of the subjects of His Majesty the King-Emperor of India or of His Highness the Maharaja shall not be deemed to be words of the nature described in clause (*h*) of this sub-section.

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1) declaring a security, or any portion thereof, to be forfeited, the declaration made in respect of such press under section 4 of the Indian Press and Registration of Books Act, No. XXV of 1867, as in force in Mysore, shall be deemed to be annulled.

(3) Whenever it appears to the Government that any printing press, in respect of which any security has been ordered to be deposited under section 3, sub-section (1) or (3) and has not been so deposited, is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations of the nature described in sub-section (1), the Government may, by notice in writing to the keeper of such printing press stating or describing such words, signs or visible representations which in its opinion are of the nature mentioned above, declare the press to be forfeited to the Government.

(4) The Government may in addition to forfeiting the deposit or any portion thereof under sub-section (1), or forfeiting the press under sub-section (3), also declare all copies of such newspaper, book or other document wherever found in Mysore to be forfeited to the Government.

Deposit of further security.

5. (1) Where the security given in respect of any press or any portion thereof has been declared forfeited under section 4 or section 6, every person making a fresh declaration in respect of such press under section 4 of the Indian Press and Registration of Books Act, No. XXV of 1867, as in force in Mysore, shall deposit with the Magistrate before whom such declaration is made security to such an amount not being less than one thousand or more

than three thousand rupees as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such press has been declared forfeited under section 4 or section 6 any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section (1).

Power to declare further security and publications forfeited.

6. (1) If after security has been deposited under section 5, the printing press is again used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which, in the opinion of the Government, are of the nature described in section 4, sub-section (1), the Government may, by notice in writing to the keeper of such printing press, stating or describing such words, signs or visible representations, declare

(*a*) the further security so deposited, or any portion thereof, and

(*b*) all copies of such newspaper, book or other document wherever found in Mysore,

to be forfeited to the Government.

(2) After the expiry of ten days from the issue of a notice under sub-section (1), the declaration made in respect of such press under section 4 of the Indian Press and Registration of Books Act, No. XXV 1867, as in force in Mysore, shall be deemed to be annulled.

Deposit of security by publisher of newspaper.

7. (1) (*a*) Any publisher of a newspaper who is required to make a declaration under section 5 of the Indian Press and Registration of Books Act, No. XXV of 1867, as in force in Mysore, may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writing, to deposit with the Magistrate within ten days from the day on which the declaration is made, security to such an amount, not being more than two hundred and fifty rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose:

Provided that if a deposit has been required under sub-section (3) from any previous publisher of the newspaper, the security which may be required under this sub-section may amount to one thousand rupees.

(*b*) Any publisher of a newspaper who has been ordered to deposit security under clause (*a*) of sub-section (1) may, within thirty days of the date of the order of the Magistrate, appeal against it to the Government, which may pass such order as it deems fit on such appeal.

(2) Where security required under sub-section (1) has been deposited in respect of any newspaper, and for a period of three months from the date of the declaration mentioned in sub-section (1) no order is made by the Government under section 8 in respect of such newspaper, the security shall, on an application by the publisher of the newspaper, be refunded.

(3) Whenever it appears to the Government that a newspaper published within Mysore in respect of which no security under the provisions of this Act has been required, or having been required has been refunded under sub-section (2), contains any words, signs or visible representations of the nature described in section 4, sub-section (1), the Government may issue notice in writing to the publisher of such newspaper stating or describing such words, signs or visible representations to show cause why he should not be ordered to furnish security and on his failure to explain to the satisfaction of the Government, the Government may, by further notice in writing, require the publisher to deposit with the Magistrate within whose jurisdiction the newspaper is published, security to such an amount not being less than five hundred or more than two thousand rupees, as the Government may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(4) Such notice shall in each case appoint a date not being sooner than the tenth day after the date of the issue of the notice, on or before which the explanation shall be given or the deposit shall be made.

Power to declare security forfeited in certain cases.

8. (1) If any newspaper in respect of which any security has been ordered to be deposited under section 7 contains any words, signs or visible representations which, in the opinion of the Government are of the nature described in section 4, sub-section (1), the Government may issue notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations to show cause why such security should not be

ordered to be forfeited and on his failure to explain to the satisfaction of the Government, the Government may, by further notice in writing—

(*a*) where the security has been deposited, declare such security, or any portion thereof, to be forfeited to the Government, or

(*b*) where the security has not been deposited, annul the declaration made by the publisher of such newspaper under section 5 of the Indian Press and Registration of Books Act No. XXV of 1867, as in force in Mysore,

and may also declare all copies of such newspaper, wherever found in Mysore, to be forfeited to the Government.

(2) After the expiry of ten days from the date of issue of a notice under sub-section (1) declaring a security or any portion thereof, to be forfeited, the declaration made by the publisher of such newspaper under section 5 of the Indian Press and Registration of Books Act No. XXV of 1867, as in force in Mysore, shall be deemed to be annulled.

Deposit of further security.

9. (1) Where the security given in respect of any newspaper, or any portion thereof, is declared forfeited under section 8 or section 10, any person making a fresh declaration under section 5 of the Indian Press and Registration of Books Act No. XXV of 1867, as in force in Mysore, as publisher of such newspaper, or any other newspaper which is the same in substance as the said newspaper, shall deposit with the Magistrate before whom the declaration is made, security to such an amount, not being more than three thousand rupees as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such newspaper has been declared forfeited under section 8 or section 10, any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section (1).

Power to declare further security and newspapers forfeited.

10. (1) If, after security has been deposited under section 9, the newspaper again contains any words, signs or visible representations which, in the opinion of the Government, are of the nature described in section 4,

sub-section (1), the Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations, declare—

(*a*) the further security so deposited or any portion thereof, and

(*b*) all copies of such newspaper wherever found in Mysore,

to be forfeited to the Government.

(2) After the expiry of ten days from the date of the issue of the notice under sub-section (1), the declaration made by the publisher of such newspaper under section 5 of the Indian Press and Registration of Books Act No. XXV of 1867, as in force in Mysore, shall be deemed to be annulled and no further declaration in respect of such newspaper shall be made save with the permission of the Government.

Penalty for keeping press or publishing newspaper without making deposit.

11. (1) Whoever keeps in his possession a press which is used for the printing of books or papers without making a deposit under section 3 or section 5 as required by the Government or the Magistrate, as the case may be, shall, on conviction by a Magistrate, be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 4 of the Indian Press and Registration of Books Act No. XXV of 1867, as in force in Mysore.

(2) Whoever publishes any newspaper without making a deposit under section 7 or section 9, as required by the Government or the Magistrate, as the case may be, or publishes such newspaper knowing that such security has not been deposited shall, on conviction by a Magistrate, be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 5 of the Indian Press and Registration of Book Act No. XXV of 1867 as in force in Mysore.

Consequence of failure to deposit security as required.

12. (1) Where a deposit is required from the keeper of a printing press under section 3, such press shall not be used for the printing or publishing of any newspaper, book or other document after the expiry of the time allowed to make the deposit until the deposit has been made, and where a deposit is required from the keeper of a printing press under section 5, such press shall not be so used until the deposit has been made.

(2) Where any printing press is used in contravention of sub-section (1), the Government may, by notice in writing to the keeper thereof, declare the press to be forfeited to the Government.

(3) Where a deposit is required from the publisher of a newspaper under section 7 and the deposit is not made within the time allowed, the declaration made by the publisher under section 5 of the Indian Press and Registration of Books Act, No. XXV of 1867, as in force in Mysore, shall be deemed to be annulled.

Return of dep sited security in certain cases.

13. Where any person has deposited any security under this Act and ceases to keep the press in respect of which such security was deposited, or being a publisher, makes a declaration under section 8 of the Indian Press and Registration of Books Act, No. XXV of 1867 as in force in Mysore, he may apply to the Magistrate within whose jurisdiction such press is situate for the return of the said security; and thereupon such security shall, upon proof to the satisfaction of the Magistrate and subject to the provisions hereinbefore contained be returned to such person.

Issue of search warrant.

14. Where any printing press is, or any copies of any newspaper, book or other document are declared forfeited to the Government under section 4, section 6, section 8, section 10, or section 12 the Government may direct a Magistrate to issue a warrant empowering any police officer, not below the rank of Sub-Inspector, to seize and detain any property ordered to be forfeited and to enter upon and search for such property in any premises—

(1) where any such property may be or may be reasonably suspected to be, or

(2) where any copy of such newspaper, book or other document is kept for sale, distribution or publication or public exhibition or is reasonably suspected to be so kept.

**Unauthorised news-sheets and newspapers.**

Authorisation of persons to publish news-sheets.

15. (1) The Magistrate may, by order in writing and subject to such conditions as he may think fit to impose, authorise any person by name to publish a news-sheet, or to publish news-sheets from time to time.

(2) A copy of an order under sub-section (1) shall be furnished to the person thereby authorised.

(3) The Magistrate may at any time revoke an order made by him under sub-section (1).

Power to seize and destroy unauthorised news-sheets and newspapers.

16. (1) Any police officer, or any other person empowered in this behalf by the Government, may seize any unauthorised news-sheet or unauthorised newspaper, wherever found.

(2) Any District Magistrate, Sub-divisional Magistrate or Magistrate of the First Class may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any place where any stock of unauthorised news-sheets or unauthorised newspapers may be or may be reasonably suspected to be, and such police officer may seize any documents found in such place which, in his opinion, are unauthorised news-sheets or unauthorised newspapers.

(3) All documents seized under sub-section (1) shall be produced as soon as may be before a District Magistrate, Sub-divisional Magistrate or Magistrate of the First Class and all documents seized under sub-section (2) shall be produced as soon as may be before the Court of the Magistrate who issued the warrant.

(4) If, in the opinion of such Magistrate or Court, any of such documents are unauthorised news-sheets or unauthorised newspapers, the Magistrate or Court may cause them to be destroyed. If, in the opinion of such Magistrate or Court, any of such documents are not unauthorissd news-sheets or unauthorised newspapers, such Magistrate or Court shall dispose of them in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1904.

Powers to seize and forfeit undeclared presses producing unauthorised news-sheets and newspapers.

17. (1) Where a District Magistrate or Sub-divisional Magistrate has reason to believe that an unauthorised news-sheet or unauthorised newspaper is being produced from an undeclared press within the limits of his jurisdiction, he may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any place wherein such undeclared press may be or may be reasonably suspected to be, and if, in the opinion of such police officer, any press found in such place is an undeclared press and is used to produce an unauthorised news-sheet or unauthorised newspaper, he may seize such press and any documents found in the place which in his opinion are unauthorised news-sheets or unauthorised newspapers.

(2) The police officer shall make a report of the search to the Court which issued the warrant and shall produce before such Court all property seized:

Provided that where any press which has been seized cannot be readily removed, the police officer may produce before the Court only such parts thereof as he may think fit.

(3) If such Court, after such inquiry as it may deem requisite, is of opinion that a press seized under this section is an undeclared press which is used to produce an unauthorised news-sheet or unauthorised newspaper, it may, by order in writing, declare the press to be forfeited to the Government. If after such inquiry the Court is not of such opinion, it shall dispose of the press in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1904.

(4) The Court shall deal with documents produced before it under this section in the manner provided in sub-section (4) of section 16.

Penalty for disseminating unauthorised news-sheets and news-papers.

18. (1) Whoever makes, sells, distributes, publishes or publicly exhibits or keeps for sale, distribution or publication, any unauthorised news-sheet or newspaper, shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1904, any offence punishable under sub-section (1), and any abetment of any such offence shall be cognizable.

## Special provisions relating to the seizure of certain documents.

Forfeiture of news-paper, etc., containing objectionable matters.

19. Where any newspaper, book or other document wherever made appears to the Government to contain any words, signs or visible representations of the nature described in section 4, sub-section (1), the Government may, by notification in the official Gazette, stating the grounds of its opinion, declare every copy of the issue of the newspaper and every copy of such book or other document to be forfeited to the Government and thereupon any police officer may seize the same wherever found in Mysore and any Magistrate may by warrant authorise any police officer not below the rank of Sub-Inspector to enter

upon and search for the same in any premises where any copy of such issue or any such book or other document may be reasonably suspected to be.

Non-transmission by post.

20. No unauthorised news-sheet or unauthorised newspaper shall be transmitted by post.

## Powers of High Court.

Application to High Court to set aside order of forfeiture.

21. (1) The keeper of a printing press who has been ordered to deposit security under sub-section (3) of section 3 or the publisher of a newspaper who has been ordered to deposit security under sub-section (3) of section 7 or any person having an interest in any property in respect of which an order of forfeiture has been made under section 4, section 6, section 8, section 10 or section 19 may, within ninety days from the date of such order, apply to the High Court to set aside such order, and the High Court shall decide if the newspaper, book or other document in respect of which the order was made did or did not contain any words, signs or visible representation of the nature described in section 4, sub-section (1).

(2) The keeper of a printing press in respect of which an order of forfeiture has been made under sub-section (2) of section 12 on the ground that it has been used in contravention of sub-section (1) of that section may apply to the High Court to set aside the order on the ground that the press was not so used.

Hearing by Bench.

22. Every such application shall be heard and determined by a Bench of the High Court consisting of not less than two Judges.

Order of Bench setting aside forfeiture.

23. (1) If it appears to the Bench on an application under sub-section (1) of section 21 that the words, signs or visible representations contained in the newspaper, book or other document in respect of which the order in question was made were not of the nature described in section 4, sub-section (1), the Bench shall set aside the order.

(2) If it appears to the Bench on an application under sub-section (2) of section 21 that the printing press was not used in contravention of sub-section (1) of section 12, it shall set aside the order of forfeiture.

(3) Where there is a difference of opinion among the Judges forming the Bench, the decision shall be in

accordance with the opinion of the majority of those Judges.

(4) Where there is no such majority which concurs in setting aside the order in question, the order shall stand.

Evidence to prove nature or tendency of newspaper.

24. On the hearing of an application under sub-section (1) of section 21 with reference to any newspaper, any copy of such newspaper published after the commencement of this Act may be given in evidence in aid of the proof of the nature or tendency of the words, signs or visible representations contained in such newspaper, in respect of which the order was made.

Procedure in High Court.

25. The High Court shall, as soon as conveniently may be, frame rules to regulate the procedure in the case of such applications, the amount of the costs thereof and the execution of orders passed thereon, and until such rules are framed, the practice of such Court in proceedings other than suits and appeals shall apply, so far as may be practicable, to such applications.

## Supplemental.

Service of notices.

26. Every notice under this Act shall be sent to a Magistrate, who shall cause it to be served in the manner provided for the service of summonses under the Code of Criminal Procedure, 1904:

Provided that if service in such manner cannot by the exercise of due diligence be effected, the serving officer shall, where the notice is directed to the keeper of a press, affix a copy thereof to some conspicuous part of the place where the press is situate, as describedi n the keeper's declaration under section 4 of the Indian Press and Registration of Books Act, No. XXV of 1867, as in force in Mysore, and where the notice is directed to the publisher of a newspaper, to some conspicuous part of the premises where the publication of such newspaper is conducted, as given in the publisher's declaration under section 5 of the said Act; and thereupon the notice shall be deemed to have been duly served.

Conduct of search.

27. Every warrant issued under this Act shall, so far as it relates to a search, be executed in the manner provided for the execution of search warrants under the Code of Criminal Procedure, 1904.

28. Every declaration of forfeiture purporting to be made under this Act shall, as against all persons, be conclusive evidence that the forfeiture therein referred to has taken place, and no proceeding purporting to be taken under this Act shall be called in question by any Court, except the High Court on application under section 21 and no civil or criminal proceeding, except as provided by this Act, shall be instituted against any person for anything done or in good faith intended to be done under this Act. Jurisdiction barred.

29. Nothing herein contained shall be deemed to prevent any person from being prosecuted under any other laws for any act or omission which constitutes an offence against this Act. Operation of other laws not barred.

30. All declarations required to be made under section 4, section 5 and section 8 of the Indian Press and Registration of Books Act, No. XXV of 1867, as in force in Mysore, shall be made before a District Magistrate. Declaration before whom to be made.

31. The Mysore Newspapers Act, 1908, is hereby repealed. Repeal.

MIRZA M. ISMAIL,
*Dewan.*

*No. P.* 5947—*Cts.* 182-39-2, *dated Bangalore, the 29th February* 1940.

In virtue of the powers vested in them under the Schedule to the Mysore Extradition Act, VI of 1938, the Government of His Highness the Maharaja of Mysore are pleased to direct that the offences under the Indian Opium Act, 1878, the Dangerous Drugs Act, 1930, and the Excise and Abkari Acts, in so far as they relate to Indian Hemp, be deemed to be extradition offences for the purpose of the Mysore Extradition Act, 1938.

By Order,

H. V. NARAYANA RAO,
*Secretary to Government,*
*Law Department.*

Printed by the Superintendent at the Government Press, Bangalore.

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# The Mysore Gazette

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BANGALORE, THURSDAY, MARCH 14, 1940.

## PART IV.

### Legislative Measures and Rules thereunder.

### NOTIFICATIONS.

*No. A. F.* 4855—*C. S.*, 19-39-14, *dated Bangalore, the 9th March* 1940.

In exercise of the powers vested in them under Section 44 (2) (g) of the Mysore Co-operative Societies Act, VII of 1918 as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to publish for general information the following draft amendments to Rule 32, relating to the constitution of the Board of Management of the Mysore Provincial Co-operative Apex Bank, Ltd., Any objection or suggestion to the proposed amendments may be sent in writing to the General Secretary to Government within one month from the date of publication of this Notification, in the *Mysore Gazette* after which the drafts will be taken up for consideration.

Any suggestion or objection received after the due date will not receive consideration.

"Rule 32 (5).—All the representatives of rural and urban affiliated Co-operative Societies and of the preference share holders shall be elected annually by their own

respective groups of electors at the annual General Meeting of the Bank.

"Rule 32 (7).—The term of office of all the twelve Directors elected in accordance with clause 5 above shall terminate on the day of the annual general election following their election and five out of those twelve Directors shall be ineligible for re-election till the next annual general election following such general election at which they retire. The five Directors who are to be declared ineligible shall be two each from out of the representatives of the rural and urban affiliated co-operative societies and one from out of the representatives of preference share holders and their names shall be determined by lot at a meeting of the Board prior to such annual general election and shall be mentioned in the annual report."

By Order,

J. APPAJI GOWDA,
*Secretary to Government,*
*General Department.*

*No. T.* 2614—*R. T.* 67-39-2, *dated Bangalore, the 8th March* 1940.

The Mutsaddi of Karlahalli Toll-gate in Harihar Sub-Taluk, Chitaldrug District, is appointed Licensing Officer under the Road Traffic and Taxes Act, VI of 1935, as amended by Act, IX of 1936, for the purpose of collection of vehicle tax on motor cycles and cars only and for issue of licenses therefor.

The above Licensing Officer is also empowered to collect the composition fee in lieu of tolls in respect of the vehicles specified in para 1 above under Section 20 of the said Act and the rules issued thereunder and to issue tokens therefor.

This will take effect on and from the 15th March 1940.

By Order,

H. V. NARAYANA RAO,
*Secretary to Government,*
*Law Department.*

Printed by the Superintendent at the Government Press, Bangalore

Regd. No. M.—1175.

67 Mysore Foreigners Act

# The Mysore Gazette

## EXTRAORDINARY.

PUBLISHED BY AUTHORITY.

BANGALORE, SATURDAY MARCH 16, 1940.

## PART IV.

### Legislative Measures and Rules thereunder.

### NOTIFICATIONS.

*Order No. P.* 6139—*Legis.* 52-39-1, *dated Bangalore, the 9th March* 1940.

Ordered that the accompanying Act to provide for the imposition of restrictions of foreigners which received the assent of His Highness the Maharaja, on the 2nd day of March 1940, be published as Act No. XVI of 1940, in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
*Secretary to Government,*
*Law Department.*

ACT No. XVI OF 1940.

# THE MYSORE FOREIGNERS ACT, 1940.

**An Act to provide for the imposition of restrictions on foreigners.**

(*Received the assent of His Highness the Maharaja on the 2nd day of March* 1940.)

WHEREAS it is expedient to provide for the imposition of restrictions on the entry of foreigners into Mysore, their presence therein and their departure therefrom;

His Highness the Maharaja is pleased to enact as follows:—

Short title and extent.

1. (*1*) This Act may be called the Mysore Foreigners Act, 1940.

(*2*) It extends to the whole of Mysore.

Definitions.

2. In this act—

(*a*) "foreigner" has the meaning assigned to it in the Indian Foreigners Act, 1864, except that it does not include—

(i) any subject of His Highness the Maharaja; or

(ii) any ruler or subject of any Indian State; or

(iii) any native of the tribal areas;

(*b*) "prescribed" means prescribed by orders made under this Act;

(*c*) "specified" means specified by directions of a prescribed authority.

Power to make orders.

3. (*1*) The Government may, by order, make provision either generally with respect to all foreigners or with respect to any particular foreigner or any prescribed class or description of foreigner, for prohibiting, regulating or restricting the entry of foreigners into Mysore or their departure therefrom or their presence or continued presence therein.

(2) In particular, and without prejudice to the generality of the foregoing power, orders made under this section may provide that the foreigner—

(a) shall not enter Mysore, or shall enter Mysore only at such times and by such route and at such place and subject to the observance of such conditions on arrival as may be prescribed;

(b) shall not depart from Mysore, or shall depart only at such times and by such route and from such place and subject to the observance of such conditions on departure as may be prescribed;

(c) shall not remain in Mysore, or in any prescribed area therein;

(d) shall remove himself to, and remain in, such area in Mysore as may be prescribed;

(e) shall comply with such conditions as may be prescribed or specified—

(i) requiring him to reside in a particular place;

(ii) imposing any restrictions on his movements;

(iii) requiring him to furnish such proof of his identity and to report such particulars to such authority in such manner and at such time and place as may be prescribed or specified;

(iv) requiring him to allow his photograph and finger impressions to be taken and to furnish specimens of his hand-writing and signature to such authority and at such time and place as may be prescribed or specified;

(v) prohibiting him from association with persons of a prescribed or specified description;

(vi) prohibiting him from engaging in activities of a prescribed or specified description;

(vii) prohibiting him from using or possessing prescribed or specified articles; or

(viii) otherwise regulating his conduct in any such particular as may be prescribed or specified;

(*f*) shall enter into a bond with or without sureties for the due observance of, or as an alternative to the enforcement of, any or all prescribed or specified restrictions or conditions; or

(*g*) shall be arrested and detained or confined; and may make provision for such incidental and supplementary matters as may, in the opinion of the Government, be expedient or necessary for giving effect to this Act.

Internees.

4. (*1*) Any foreigner (hereinafter referred to as an internee) in respect of whom there is in force any order made under clause (g) of sub-section (2) of section 3, directing that he be detained or confined, shall be detained or confined in such place and manner and subject to such conditions as to maintenance, discipline and the punishment of offences and breaches of discipline as the Government may from time to time determine.

(*2*) No person shall—

(*a*) knowingly assist an internee to escape from custody or knowingly harbour an escaped internee; or

(*b*) give an escaped internee any assistance with intent thereby to prevent, hinder or interfere with the apprehension of the internee.

(*3*) The Government may, by order, provide for regulating access to, and the conduct of persons in, places in Mysore where internees are detained and for prohibiting or regulating the despatch or conveyance from outside such places to or for internees therein of such articles as may be prescribed.

(*4*) No proceedings shall be taken by virtue of sub-section (2) or sub-section (3) against any person in respect of any act done by him when he is himself an internee.

Change of name.

5. (*1*) No foreigner who was in Mysore on the date on which this Act came into force shall, while in Mysore after that date, assume or use or purport to assume or use for any purpose any name other than that by which he was ordinarily known immediately before the said date.

(*2*) Where, after the date on which this Act came into force, any foreigner carries on or purports to carry on (whether alone or in association with any other person) any trade or business under any name or style other than

that under which that trade or business was being carried on immediately before the said date, he shall, for the purposes of sub-section (1), be deemed to be using a name other than that by which he was ordinarily known immediately before the said date.

(3) In relation to any foreigner who, not having been in Mysore on the date on which this Act came into force, thereafter enters Mysore, sub-sections (1) and (2) shall have effect as if for any reference in those sub-sections to the date on which this Act came into force there were substituted a reference to the date on which he first enters Mysore thereafter.

(4) For the purposes of this section—

(a) the expression "name" includes a surname, and

(b) a name shall be deemed to be changed if the spelling thereof is altered.

(5) Nothing in this section shall apply to the assumption or use—

(a) of any name in pursuance of a Royal Licence or under the orders of His Highness the Maharaja; or

(b) by any married woman, of her husband's name.

Objections on pilots of aircraft.

(6) Any District Magistrate and any Superintendent of Police may, for any purpose connected with the enforcement of this Act or any order made thereunder, enter, with such assistance as he may think fit, any aircraft at any place in Mysore and may—

(a) direct the pilot of the aircraft,

(i) before any passenger disembarks, or before the aircraft leaves such place to furnish a list in writing of the passengers who are on board or who have been carried on board at any time since the aircraft commenced its journey, or who have signified their intention of departing from Mysore on board such aircraft, setting out the places at which they embark, the places of their disembarkation or intended disembarkation, and such other particulars as may be prescribed, and

(ii) to answer to the best of his ability any question relating to the passengers who are on board or who have disembarked in any part of Mysore; and

(*b*) if any foreigner seeking to enter Mysore on board such aircraft does not give satisfactory reasons for entering Mysore, either—

(i) refuse to allow such foreigner to disembark from such aircraft, or

(ii) place him under such restraint as may be prescribed or specified.

Burden of proof.

7. If any question arises with reference to this Act or any order made or direction given thereunder, whether any person is or is not a foreigner, the onus of proving that such person is not a foreigner shall, notwithstanding anything contained in the Indian Evidence Act, 1872, as in force in Mysore, lie upon such person.

Power to exempt from application of Act.

8. The Government may, by order, declare that any or all of the provisions of this Act, or the orders made thereunder shall not apply, or shall apply only with such modifications or subject to such conditions as may be specified, to or in relation to any individual foreigner.

Power to give effect to orders, directions, etc.

9. (*1*) Any authority empowered by or under or in pursuance of the provisions of this Act to give any direction or to exercise any other power, may, in addition to any other action expressly provided for in this Act, take, or cause to be taken, such steps and use, or cause to be used, such force as may, in its opinion, be reasonably necessary for securing compliance with such direction or for preventing or rectifying any breach thereof, or for the effective exercise of such power, as the case may be.

(*2*) Any police officer may take such steps and use such force as may, in his opinion, be reasonably necessary for securing compliance with any order made or direction given under or in pursuance of the provisions of this Act or for preventing or rectifying any breach of such order or direction.

(*3*) The power conferred by this section shall be deemed to confer upon any person acting in exercise thereof a right of access to any land or other property whatsoever.

Power to delegate authority.

10. Any authority upon which any power to make or give any direction, consent or permission or to do any other act is conferred by this Act or by any order made

thereunder may, unless express provision is made to the contrary, in writing authorise, conditionally or otherwise, any authority subordinate to it to exercise such power on its behalf, and thereupon the said subordinate authority shall, subject to such conditions as may be contained in the authorisation, be deemed to be the authority upon which such power is conferred by or under this Act.

Attempt, etc., to contravene the provisions of the Act, etc.

11. (*1*) Any person who attempts to contravene, or abets, or attempts to abet, or does any act preparatory to, a contravention of, the provisions of this Act or of any order made or direction given thereunder, or fails to comply with any direction given in pursuance of any such order, shall be deemed to have contravened the provisions of this Act.

(*2*) Any person who, knowing or having reasonable cause to believe that any other person has contravened the provisions of this Act or of any order made or direction given thereunder, gives that other person any assistance with intent thereby to prevent, hinder or otherwise interfere with his arrest, trial or punishment for the said contravention, shall be deemed to have abetted that contravention.

(*3*) The pilot of any aircraft by means of which any foreigner enters or leaves Mysore in contravention of any order made under, or direction given in pursuance of, section 3 shall, unless he proves that he exercised all due diligence to prevent the said contravention, be deemed to have contravened this Act.

Penalties.

12. If any person contravenes the provisions of this Act or of any order made thereunder, or any direction given in pursuance of this Act or such order, he shall be punished with imprisonment for a term which may extend to five years and shall also be liable to fine; and if such person has entered into a bond in pursuance of clause (*f*) of sub-section (*2*) of section 3, his bond shall be forfeited, and any person bound thereby shall pay the penalty thereof, or show cause to the satisfaction of the convicting court why such penalty should not be paid.

Protection to persons acting under this Act.

13. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Application to other laws not barred.

14. The provisions of this Act shall be in addition to and not in derogation of the provisions of the

Registration of Foreigners Act, 1940, and of any other enactment for the time being in force.

Savings.

15. (*1*) Notwithstanding the provisions of section 12 of the Mysore Legislative Council Act, 1923, the Foreigners Ordinance, 1939, as applied to Mysore, shall be deemed to have been in force in Mysore till the coming into force of this Act.

(*2*) All orders made, directions given, things done and action taken under the said Ordinance as applied to Mysore, shall be deemed to have been made, given, done or taken under the provisions of this Act as if this Act had come into force on the 2nd day of September 1939, references to the said Ordinance as applied to Mysore, in any rule made under any enactment shall be construed as references to this Act, and offences committed against or proceedings commenced under the said Ordinance, as applied to Mysore may be punished or may be continued and completed as if such offences were committed against or such proceedings were commenced under this Act.

MIRZA M. ISMAIL,
*Dewan.*

*Order No. P. 6267—Legis. 53-39-1, dated Bangalore, the 16th March 1940.*

Ordered that the accompanying Act to provide for the imposition and the payment of duty on gold which received the assent of His Highness the Maharaja, on the 29th day of February 1940, be published as Act No. XVII of 1940 in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
*Secretary to Government,*
*Law Department.*

ACT No. XVII OF 1940.

# THE MYSORE DUTY ON GOLD (EMERGENCY) ACT, 1940.

**(An Act to provide for the imposition and the payment of duty on gold.)**

*(Received the assent of His Highness the Maharaja on the 29th day of February 1940.)*

Whereas an emergency has arisen which makes it expedient to impose a duty on gold and to provide for the payment thereof;

Now therefore, in exercise of the powers conferred by section 12 of the Mysore Legislative Council Act, 1923, it is hereby enacted as follows :—

**Short title and extent.**

1. (*1*) This Act may be called the Mysore Duty on Gold (Emergency) Act, 1940.

(*2*) It extends to the whole of Mysore.

**Definitions.**

2. In this Act, unless there is anything repugnant in the subject or context—

(*a*) "gold works" means any place where gold is extracted from ore;

(*b*) "owner of a gold works" includes his agents and persons in charge of the gold works; and

(*c*) "prescribed" means prescribed by rules made under this Act.

**Imposition and payment of duty on gold.**

3. (*1*) There shall be paid by the owner of every gold works on all gold which is produced therein and which is issued out of the premises of such works on and after the 22nd day of March 1940, a duty at the rate mentioned in sub-section (2) and at the prescribed place.

(*2*) The duty on every ounce of gold shall be three-fourths of the amount by which its sale price exceeds one hundred rupees.

*Explanation.*—For the purposes of this sub-section sale price shall mean the amount realised by sale less prescribed charges, if any.

(*3*) The duty shall be payable in the prescribed manner before the end of the month immediately succeeding that in which the gold is sold.

**Recovery of an arear of duty.**

4. (*1*) If any duty remains unpaid at the end of the period specified in sub-section (3) of section 3, it shall be deemed to be an arrear and the authority to which such

duty is payable may, in lieu thereof, recover any sum not exceeding double the amount of the duty unpaid which such authority may in its discretion think it reasonable to require.

(2) Any arrear of duty or any sum recoverable in lieu thereof under sub-section (1) shall be recoverable as an arrear of land revenue.

Issue of gold from gold works.

5. (1) No person shall issue any gold out of the premises of any gold works except in the prescribed manner and until rules in this behalf are made, except in accordance with the general or special orders of the Government.

(2) Whoever contravenes any such rule or order shall be punishable with fine which may extend to one thousand rupees or to a sum double the amount of the duty payable on any gold issued in contravention of such rule or order, whichever is greater.

Power to make rules.

6. (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (1), the rules may provide for all or any of the following matters, namely:—

(a) imposing on owners of gold works the duty of furnishing returns and keeping records and books, prescribing the form of such returns, records and books and the particulars to be contained therein and the manner in which the same are to be verified and all such other conditions thereof as may be necessary;

(b) providing for the regulation of the issue of gold out of the premises of gold works;

(c) providing for the manner in which, the place at which and the authority to which the duty shall be payable and for the recovery of arrears; and

(d) providing for the inspection of gold works.

(3) Such rules may provide that any breach thereof shall be punishable with fine which may extend to five hundred rupees.

Provided that the breach of any rule under clause (b) of sub-section (2) shall be punishable with the penalty prescribed in sub-section (2) of section 5.

MIRZA M. ISMAIL,
*Dewan.*

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## NOTIFICATION. 77

*Order No. P. 6267—Legis. 53-39-1, dated Bangalore, the 16th March 1940.*

Ordered that the accompanying Act to provide for the imposition and the payment of duty on gold which received the assent of His Highness the Maharaja, on the 29th day of February 1940, be published as Act No. XVII of 1940 in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
*Secretary to Government,*
*Law Department.*

## ACT No. XVII OF 1940.

# THE MYSORE DUTY ON GOLD (EMERGENCY) ACT, 1940.

**(An Act to provide for the imposition and the payment of duty on gold.)**

*(Received the assent of His Highness the Maharaja on the 29th day of February 1940.)*

Whereas an emergency has arisen which makes it expedient to impose a duty on gold and to provide for the payment thereof;

Now therefore, in exercise of the powers conferred by section 12 of the Mysore Legislative Council Act, 1923, it is hereby enacted as follows :—

1. (*1*) This Act may be called the Mysore Duty on Gold (Emergency) Act, 1940. **Short title and extent.**

(*2*) It extends to the whole of Mysore.

2. In this Act, unless there is anything repugnant in the subject or context— **Definitions.**

(*a*) "gold works" means any place where gold is extracted from ore;

(*b*) "owner of a gold works" includes his agents and persons in charge of the gold works; and

(*c*) "prescribed" means prescribed by rules made under this Act.

Imposition and payment of duty on gold.

3. (*1*) There shall be paid by the owner of every gold works on all gold which is produced therein and which is issued out of the premises of such works on and after the 22nd day of March 1940, a duty at the rate mentioned in sub-section (2) and at the prescribed place.

(*2*) The duty on every ounce of gold shall be three-fourths of the amount by which its sale price exceeds one hundred rupees.

*Explanation.*—For the purposes of this sub-section sale price shall mean the amount realised by sale less prescribed charges, if any.

(*3*) The duty shall be payable in the prescribed manner before the end of the month immediately succeeding that in which the gold is sold.

Recovery of an arear of duty.

4. (*1*) If any duty remains unpaid at the end of the period specified in sub-section (*3*) of section 3, it shall be deemed to be an arrear and the authority to which such duty is payable may, in lieu thereof, recover any sum not exceeding double the amount of the duty unpaid which such authority may in its discretion think it reasonable to require.

(*2*) Any arrear of duty or any sum recoverable in lieu thereof under sub-section (*1*) shall be recoverable as an arrear of land revenue.

Issue of gold from gold works.

5. (*1*) No person shall issue any gold out of the premises of any gold works except in the prescribed manner and until rules in this behalf are made, except in accordance with the general or special orders of the Government.

(*2*) Whoever contravenes any such rule or order shall be punishable with fine which may extend to one thousand rupees or to a sum double the amount of the duty payable on any gold issued in contravention of such rule or order, whichever is greater.

Power to make rules.

6. (*1*) The Government may make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the powers conferred by sub-section (*1*) the rules may provide for all or any of the following matters, namely:—

(*a*) imposing on owners of gold works the duty of furnishing returns and keeping records and

79

books, prescribing the form of such returns, records and books and the particulars to be contained therein and the manner in which the same are to be verified and all such other conditions thereof as may be necessary ;

(*b*) providing for the regulation of the issue of gold out of the premises of gold works ;

(*c*) providing for the manner in which, the place at which and the authority to which the duty shall be payable and for the recovery of arrears ; and

(*d*) providing for the inspection of gold works.

(*3*) Such rules may provide that any breach thereof shall be punishable with fine which may extend to five hundred rupees.

Provided that the breach of any rule under clause (*b*) of sub-section (*2*) shall be punishable with the penalty prescribed in sub-section (*2*) of section 5.

MIRZA M. ISMAIL,

*Dewan.*

**Price : 0-0-6.**

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# The Mysore Gazette

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BANGALORE, THURSDAY MARCH 28, 1940.

## PART IV.

## Legislative Measures and Rules thereunder.

### NOTIFICATIONS.

*No. T.* 2802—*R. T.* 3-39-22, *dated Bangaore, the 25th March* 1940.

In exercise of the powers conferred on them by section 11 of the Mysore Motor Vehicles Act, 1928, the Government of His Highness the Maharaja are pleased to issue the following amendment to the Mysore Motor Vehicles Rules, 1924, as amended from time to time, the draft amendment in the said behalf having been already published at page 81, Part IV of the *Mysore Gazette*, dated 29th February 1940, with Notification No. T. 2379—R. T. 3-39-15, dated 22nd February 1940.

**Amendment.**

Add the following as proviso to Rule 39-A of the aforesaid rules:—

*Proviso.*—Provided that exemption from the operation of this rule may be granted by the Traffic Board in respect of any lorry whose weight exceeds six tons,

subject to such conditions as it may impose, on the application of the owner of the vehicle giving the following particulars :—

Particulars of vehicle, the maximum laden weight, unladen weight and axle weight of each axle; the number of such vehicles and the roads on which the applicant intends running such vehicle or vehicles.

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*No. P. 6369—Legis. 37-39-7, dated Bangalore, the 26th March 1940.*

In exercise of the powers conferred by sub-section (2) of section 1 of the Mysore Moneylenders Act, 1939, and in modification of Notification No. P. 5266—Legis. 37-39-2, dated the 3rd February 1940, the Government of His Highness the Maharaja are pleased to direct that the provisions of the said Act excepting the provisions of sections 7 and 8 shall come into force on and from the 1st day of July 1940 instead of from the 1st day of April 1940.

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*No. P. 6370—Legis. 37-39-8, dated Bangalore, the 26th March 1940.*

In exercise of the powers conferred by section 24 of the Mysore Moneylenders Act, 1939, the Government of His Highness the Maharaja are pleased to make the following amendments to the Mysore Moneylenders Rules, 1940 :—

1. In sub-rule (2) of rule 1, for the words and figures, "the 1st day of April 1940", the words and figures, "the 1st day of July 1940" shall be substituted.
2. For Form VII of the Schedule to the Rules, the Form annexed hereto shall be substituted.

By Order,

H. V. NARAYANA RAO,
*Secretary to Government,*
*Law Department.*

# FORM VII.

## (SEE RULE 26.)

## FORM OF ACCOUNTS OF A MONEYLENDER.

(To be maintained under section 9 of the Mysore Moneylenders Act, 1939.)

Account of.....(name of debtor).....son of.....Caste .....
Residence.....

Full and detailed description of articles or of each of articles pawned. (Only in the case of pawnbrokers).

Time agreed upon for redemption of the pawn. (Only in the case of pawnbrokers).

Name and address of owner of article pawned. (Only in the case of pawnbrokers and where the pawner is not the owner of the article pawned.)

Amount advanced.

Date of { advance. / entry.

Rate of interest.

Amount of interest charged.

| Particulars of repayment | Date | Appropriation | |
|---|---|---|---|
| | | Principal | Interest |
| | | | |

| | Principal | Interest | Total |
|---|---|---|---|
| *Balance on 31st December..... | | | |
| *Balance on..... | | | |

*The Balance on the 31st December of every year when there is any balance and on the dates when a statement of account is furnished under Section 11 (1) of the Act should be indicated in these columns.

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81

# The Mysore Gazette

Vol. 75.] PUBLISHED BY AUTHORITY. [No. 15

BANGALORE, THURSDAY APRIL 11, 1940.

## PART IV.

### Legislative Measures and Rules thereunder.

### NOTIFICATIONS.

*No. D.* 4499—*I. & C.* 493-39-2, *dated Bangalore, the 4th April* 1940.

In exercise of the powers vested in them under Section 3 of the Mysore Weights and Measures Act, No. III of 1902, as amended by Act IX of 1927, the Government of His Highness the Maharaja of Mysore are pleased to direct that only certified weights and measures of capacity shall be used in all dealings and contracts within the limits of the following shandy areas in the Tumkur District with effect from the 1st April 1940:—

1. Sira.
2. Kunigal.
3. Madhugiri.

By Order,

C. E. NORONHA,

*Secretary to Government,*

*Development Department.*

*No. G. 8612—P. H. 48-39-16, dated Bangalore, 6th April 1940.*

Under Section 20 of the Mysore Prevention of Adulteration Act, IX of 1921, as amended from time to time, Government are pleased to make the rules issued with Government Notification No. G. 2463—Sany. 61-31-7, dated 2nd September 1931, (annexed hereto) applicable to Sagar Town.

By Order,
C. E. NORONHA,
*Secretary to Government,*
*Development Department.*

**Rules under the Mysore Prevention of Adulteration Act.**

1. In these rules, "Act" means the Mysore Prevention of Adulteration Act, IX of 1921.

"Section" means section of the above Act.

*Section 3.—*

2. The officer to whom the local executive officer may delegate his powers shall be of the rank of a Health Officer or shall hold the Diploma of Public Health. No legal proceedings under the Act shall be instituted without the permission in writing of the President or the Commissioner, as the case may be.

*Section 20 (b).—*

3. The area within which the local executive officer of a Municipal Council shall exercise powers shall be the Municipal limits of the place.

*Section 20 (c).—*

4. *Cleanliness of Vessels.*—All vessels, receptacles or utensils used for manufacturing or preparing food or containing any food intended for sale shall be cleansed with clean boiling water before and after use and shall be kept in a constant state of cleanliness. In case of

food likely to be acted upon by the metal of the vessels, receptacles or utensils in which the food is manufactured, prepared or contained for purposes of sale, precautions shall be taken to prevent such metallic contamination.

*Section 20 (d).—*

5. *How notice of Admixture, Addition or Deficiency shall be given.*—If the vendor of any article intended for food, knows that it is admixed with any foreign substance whatsoever or that any component part has been abstracted therefrom, he shall give due notice of such admixture or abstraction by means of distinct and clear labels in Kannada or in any other language likely to be read and understood by the people, affixed conspicuously on each package or receptacle containing the article. Unless the vendor of any food containing an admixture, addition or deficiency, knows of his own knowledge, that the purchaser is able to read and understand the label, he shall give the purchaser the information contained in the label by word of mouth at the time of purchase.

*Section 20 (e).—*

6. The standards of purity prescribed for milk cream, butter and ghee are as follows:—

*Milk.—*

*Cow's Milk.*—(1) Where a sample of cow's milk (not being sold as skimmed or separated milk), contains less than three per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine, by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(2) When a sample of cow's milk or any skimmed or separated cow's milk contains less than 8·5 per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved that the milk is not genuine by reason of the addition thereto of water.

(3) When a sample of cow's milk, whether sold as cow's milk or as skimmed or separated cow's milk contains less than 0·5 per cent of nitrogen, it shall be presumed for

the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water.

*Buffalo Milk.*—(4) Where a sample of buffalo milk (not being sold as skimmed or separated milk), contains less than 4·5 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(5) Where a sample of buffalo milk, whether sold as buffalo milk, or as skimmed or separated buffalo milk, contains less than nine per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of the addition thereto of water.

(6) Where a sample of buffalo milk, whether sold as buffalo milk or as skimmed or separated buffalo milk, contains less than 0·53 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of the addition thereto of water.

*N. B.*—The minimum limits for nitrogen prescribed above under (3) and (6) are intended to be used in those cases in which a sample of milk when it is analysed, is so far decomposed that an estimation of the proportion of milk-solids other than milk-fat in the sample before decomposition will be unreliable, the proportion of nitrogen not being appreciably affected by decomposition.

*Unspecified Milk.*—(7) Where a sample of milk, separated milk or skimmed milk, is sold or offered for sale or hawked about, without any indication as to whether it is derived from the cow or the buffalo and by comparison with the minimum limits given for the cow's milk in the above, it appears to be adulterated, it shall be presumed for the purposes of this Act, until the contrary be proved that the sample is not genuine for the reason given in the above rule or rules which are applicable.

*Maximum limit for dirt in Milk.*—(8) Where a sample of milk separated or skimmed milk deposits on standing for a period of 24 hours or less, an amount of visible sediment exceeding five parts per 100,000 (both milk and sediment being measured by volume), it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of its containing an excessive amount of dirt.

*Cream.*—(9) Where a sample of cream contains less than 20 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine.

*Butter.*—(10) Where the proportion of water in a sample of butter exceeds 20 per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the butter is not genuine by reason of the excessive amount of water therein.

*Ghee.*—(11) Where the proportion of water in a sample of ghee exceeds one per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the ghee is not genuine by reason of the excessive amount of water therein.

*Section 20 (f).*—

7. (1) No person shall add water or any dried or condensed milk or any fluid reconstituted therefrom or any skimmed milk or separated milk to milk intended for sale, and no person shall, by himself or by any servant or agent, sell or offer for sale or hawk about, any milk to which any such addition has been made.

(2) No person shall abstract any ingredient from milk, without giving due notice of the same, in an unambiguous manner, of the fact of such abstraction therefrom, as prescribed in rules under Section 20 (*d*).

(3) No person either by himself or any servant or agent, shall sell or offer for sale or hawk about, as milk, any liquid in the making of which dried milk or condensed milk has been used or to which water or other diluent or adulterant has been added or from which any ingredient has been abstracted, without due notice of the same to the purchaser as prescribed in rule under Section 20 (*d*).

*Section 20 (g).*—

8. Any receptacle containing dried, condensed, skimmed or separated milk shall be labelled with an adhesive label which shall contain the information and be of the size indicated below. The information shall be in black type, printed or written in the centre of the label, which shall be of white colour. Nothing else shall be printed or written on the label, except the name of the article. The label shall be clearly visible to the purchaser and shall

measure at least 2″×4″ where only Kannada is used or at least 4″×4″ where more than one language is employed.

*Section 20 (h).—*

9. (1) Any person taking a sample of milk for the purposes of this Act may add a preservative for the purpose of retaining the sample in a condition convenient for analytical purposes.

(2) The preservative used shall be the liquid commonly known as "formalin" which is a liquid containing about 40 per cent of formaldehyde in aqueous solution.

(3) The amount of preservative added shall be approximately in proportion of one drop of formalin for every 2 oz. of the sample of milk.

(4) Each sample of milk to which formalin has been added by the person taking the sample shall bear a notification on the label to the effect that it has been "artificially preserved."

(5) For the purposes of this rule, milk includes skimmed and separated milk.

10. *Penalty for breach of Rules.*—Every manufacturer or dealer or vendor who—(*a*) disobeys, fails to comply with or acts in contravention of the provisions made under Rule 4 herein, in respect of cleanliness of vessels, receptacles or utensils used for manufacturing, preparing or containing any food intended for sale, or (*b*) neglects to affix labels to notify in the manner prescribed, the fact of the admixture of foreign ingredients in the case of adulterated articles of food or abstraction of any component part therefrom of any article of food, or (*c*) fails to give the purchaser, in cases mentioned in Rule 5, information contained in such lables by word of mouth at the time of purchase, or (*d*) manufactures, deals in or sells milk, cream, butter or ghee below the standard prescribed in Rule 6 above shall, on conviction before a Magistrate, be punished with a fine not exceeding Rs. 50 and with a fine which may extend to Rs. 50 for every subsequent offence.

*No. P.* 6544—*Legis.* 19-39-13, *dated Bangalore,*
*2nd April* 1940.

In exercise of the powers conferred by Section 3 of the Mysore Foreigners Act, 1940, the Government of His Highness the Maharaja are pleased to declare that all Foreigners Orders from time to time issued in British India under the Foreigners Act, 1940, (Act No. II of 1940), shall apply to Mysore *mutatis mutandis.*

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*No. P.* 6545—*Legis.* 19-39-14, *dated Bangalore,*
*the 2nd April* 1940.

The following Notifications of the Government of India making certain amendments to the Enemy Foreigners Order, 1939, is republished for general information.

By Order,

H. V. NARAYANA RAO,
*Secretary to Government,*
*Law Department.*

## HOME DEPARTMENT.

### Notification.

POLITICAL (W)
*the 20th February* 1940.

No. 62/2/40.—In exercise of the powers conferred by Section 3 of the Foreigners Ordinance, 1939, the Central Government is pleased to direct that the following further amendment shall be made in the Enemy Foreigners Order, 1939, namely:—

In clause (*b*) of sub-paragraph (2) of paragraph 3-A of the said Order, for the letters and figures "Rs. 1,500," the following shall be substituted, namely—

"Rs. 150, with the addition thereto of Rs. 50 in respect of each child travelling with the enemy foreigner."

H. J. Frampton,
Deputy Secretary to the
Government of India.

*the 29th February* 1940.

No. 62/10/40.—In exercise of the powers conferred by Section 3 of the Foreigners Act (II of 1940), the Central Government is pleased to direct that the following further amendment shall be made in the Enemy Foreigners Order, 1939, namely,—

For paragraph 3 of the said Order the following paragraph shall be substituted, namely:—

Restrictions on departure from British India.

"3 (1) No enemy foreigner shall depart from British India for a destination outside India except in accordance with the conditions of a permit issued—

(*a*) in relation to an enemy foreigner of the male sex who has attained the age of sixteen years, by the Central Government; or

(*b*) in relation to any other enemy foreigner, by the civil authority having jurisdiction over the port from which the enemy foreigner leaves British India.

(2) No enemy foreigner shall depart from British India for a destination outside India across the external land frontiers of India.

(3) No enemy foreigner shall depart from British India by sea except at the port of Bombay:

Provided that, if his destination lies to the north of Latitude 15°S and east of Longitude 75°E, an enemy foreigner may also embark at the port of Calcutta."

H. J. Frampton,
Deputy Secretary to the
Government of India.

Regd. No. M.—1175.

# The Mysore Gazette

Vol. 75.] PUBLISHED BY AUTHORITY. [No. 16

BANGALORE, THURSDAY APRIL 18, 1940.

## PART IV.

### Legislative Measures and Rules thereunder.

### NOTIFICATIONS.

*No. P.* 6671—*Pol.* 46-39-8, *dated Bangalore, the 9th April* 1940.

In exercise of the powers conferred by Section 22 of the Arms Act, VI of 1890 as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to direct that the words "Srimadabhinava Prabhakara Jaganathaswamigalu" be substituted for the words "Pandit D. Lakshminarasappa Agent" in entry 7 in the first column of Schedule I of the Arms Rules, 1926.

By Order,

B. T. KESAVIENGAR,

*Chief Secretary to Government.*

*No. D. 4504—Pat. 1-39-6, dated Bangalore, 4th April 1940.*

In exercise of the powers conferred on them by Section 73 (1) of the Mysore Patents and Designs Act, 1925, as amended by the Act XV of 1939, the Government of His Highness the Maharaja of Mysore, are pleased to issue the following revised Rules under the said Acts, the draft rules in this behalf having already been published with Notification No. D. 3471—Pat. 1-39-3, dated 17th January 1940.

By Order,

C. E. NORONHA,

*Secretary to Government,*
*Development Department.*

*No. T. 3078—R. T. 3-39-25, dated Bangalore, 13th April 1940.*

The following draft amendments which the Government propose to make in virtue of the powers vested in them under section 33 of the Mysore Road Traffic and Taxes Act, VI of 1935, to Rules 3 and 2 of rules regarding the composition of the Traffic Board and constitution of the District Traffic Advisory Committees issued with Notifications No. P. 3418 Legis. 46-35, dated 25th November 1935 and T. 2408—R. T. 53-36-15, dated 8th February 1938, respectively, as amended from time to time, are hereby published for the information of persons likely to be affected thereby and any suggestion or objection received on or before the 25th of April 1940 will be considered by Government :—

## DRAFT AMENDMENTS.

1. In the second sentence of Rule 3 of the rules regarding composition of the Traffic Board, *delete* the words.—

"from the date of the official Gazette in which their names are notified under the preceding rule"

And *insert* the following :—

"from such date as may be specified in the notification in which their names are notified under the preceding rule"

2. In Rule 2 of the rules issued with Notification No. T. 2408—R. T. 53-36-15, dated 8th February 1938, *delete* the words—

"from the date of the official Gazette in which their names are notified under the preceding rule".

And *insert* instead the following :—

"from such date as may be specified in the Notification in which their names are notified under the preceding rule"

*No. P.* 6791—*Legis., dated Bangalore, the* 15*th April* 1940.

In exercise of the powers conferred by section 3 of the Registration of Foreigners Act, 1940 (V of 1940), the Government of His Highness the Maharaja are pleased to make the following further amendment to the Registration of Foreigners Rules, 1939, namely :—

To sub-rule (2) of rule 7 of the said Rules, the following proviso shall be added, namely—

" Provided that, if the certificate of registration of a tourist, other than a tourist who has entered Mysore on the authority of a transit visa is expressed to be valid for a period of less than three months, the period of validity of such certificate may, on sufficient cause being shown by the said tourist, be extended by any Registration Officer subject to the condition that in no case shall the validity be so extended beyond three months after the date on which the said tourist entered Mysore.

By Order,
H. V. NARAYANA RAO,
*Secretary to Government,*
*Law Department.*

*No. P.* 6792—*Legis., dated Bangalore, the* 15*th April* 1940.

The following notification of the Government of India is republished for general information.

By Order,
H. V. NARAYANA RAO,
*Secretary to Government,*
*Law Department.*

## HOME DEPARTMENT.

POLITICAL (W.)

*New Delhi, the* 11*th March* 1940.

No. 21/9/40-Political (W).—In exercise of the powers conferred by section 3 of the Foreigners Act, 1940 (II of 1940), the Central Government is pleased to direct that

the following further amendment shall be made in the Foreigners Order, 1939, namely :—

After paragraph 8 of the said Order, the following paragraph shall be inserted, namely :—

"9. *Powers to remove foreigners from cantonments.*—The military officer for the time being in command of the forces in a cantonment may, by order in writing, direct any foreigner to remove himself from the cantonment within such time as may be specified in the order."

H. J. Frampton,
*Deputy Secy. to the Govt. of India.*

*No. Fl.* 6326—*G. F.* 128-39-10, *dated Bangalore, the* 12*th April* 1940.

In exercise of the powers conferred by Section 6 of the Mysore Duty on Gold (Emergency) Act, 1940, the Government of His Highness the Maharaja are pleased to make the following rules for carrying out the purposes of the Act.

By Order,
A. N. RAGHAVACHAR,
*Secretary to Government,*
*Financial Department.*

## The Mysore Duty on Gold Rules, 1940.

1. (*1*) These rules may be called the Mysore Duty on Gold Rules, 1940.

(*2*) They shall come into force at once.

2. In these rules, unless there is anything repugnant in the subject or context, "the Act" shall mean the Mysore Duty on Gold (Emergency) Act, 1940.

3. The owner of a gold works shall cause to be made and kept on the premises of the mining block, books of account in a form which will indicate clearly the quantity of gold produced therein, the dates of production, issue and disposal of such gold, and such other particulars as may be necessary and proper for ascertaining the quantity and exact value of all gold produced in the works.

4. The owner of every gold works shall give to the Comptroller or the Chief Inspector of Mines when required by either of them to do so, copies of all entries in the said books of accounts free of charge and certified by the owner of the gold works to be true copies of such books of account.

5. The owner of a gold works shall, as soon as any gold is issued or despatched for sale out of the premises of the gold works, intimate in writing the Comptroller to Government, and the Chief Inspector of Mines the fact of such issue or despatch specifying the quantity of gold so issued or despatched.

He shall also within one month from the date of the sale of such gold furnish them with a statement giving the quantity of gold sold, the rate at which it was sold, the gross and nett amounts realised by the sale and the amount of duty payable thereon to the Government.

6. No gold shall be issued or despatched for sale out of the premises of a gold works without the previous approval and permission in writing of the Chief Inspector of Mines.

7. Duty on gold payable in accordance with the provisions of the Act shall be paid to the credit of the Dewan of Mysore Deposit Accounts with the Imperial Bank of India, Bangalore or to the credit of any other account or at any other place as may be approved by the Comptroller to Government.

8. In calculating sale price of gold the following charges shall be deducted from the price realised by the sale of gold, namely:—

(*a*) railway freight from the premises of the gold works, to the place of sale,

(*b*) insurance charges on the gold despatched, and

(*c*) mint charges.

9. The Chief Inspector of Mines shall have the power to inspect any gold works and the books of account maintained therein at any time during working hours on any working day in order to ensure that the provisions of the Act and these rules are duly carried out.

10. Any breach of these rules shall be punishable with fine which may extend to rupees five hundred for every breach thereof.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M. 1175

# The Mysore Gazette

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BANGALORE, THURSDAY APRIL 25, 1940.

## PART IV.

### Legislative Measures and Rules thereunder.

NOTIFICATIONS.

*No. A. F.* 5699—*C. S.* 19-39-22, *dated Bangalore, the* 19*th April* 1940.

In exercise of the powers vested in them under Section 44 (2) (*g*) of the Mysore Co-operative Societies Act VII of 1918, as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to publish for general information the following draft amendment to Rule 21 of the Rules under the Act in respect of the removal of the members of the Committee of management of Co-operative Societies.

Any objection or suggestion to the proposed amendment may be sent in writing to the General Secretary to Government within two months from the date of the publication of this notification in the *Mysore Gazette* after which the draft will be taken up for consideration.

Any suggestion or objection received after the due date will not receive consideration.

"Substitute the following for Rule 21 of the Rules:—

It shall be open to the Registrar to order the removal of any officer of a Co-operative Society, if he is satisfied that such officer has acted in any manner contrary to the best interests of the Society."

By Order,

J. APPAJI GOWDA,

*Secretary to Government,*
*General Department.*

*No. T.* 3089—*R. T.* 76-39-2, *dated Bangalore,* 17*th April* 1940.

In exercise of the powers conferred upon them by Section 13 of the Mysore Road Traffic and Taxes Act, VI of 1935, as amended by Act IX of 1936, the Government of His Highness the Maharaja are pleased to direct that taxes in respect of motor cabs registered within 14 days prior to the ending of a quarter shall be collected only from the quarter immediately following such registration, provided that the said vehicles are not used during the quarter in which they were registered.

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*No. T.* 3131—*R. T.* 20-39-57, *dated Bangalore, the* 18*th April* 1940.

In exercise of the powers conferred on them by Sections 13 and 22 of the Mysore Road Traffic and Taxes Act, VI of 1935, the Government of His Highness the Maharaja are pleased to direct that the marginally noted motor vehicles belonging to His Highness the Prince of Hyderabad be exempt from taxes and tolls payable under the said

| | | |
|---|---|---|
| 1. | Hyderabad | No..... |
| 2. | Do | No. 5. |
| 3. | Do | No. 2. |
| 4. | Do | No. 8. |
| 5. | Do | No. 9. |
| 6. | Do | No. 1. |
| 7. | Do | No. 4. |
| 8. | Do | No. Nil. |

Act and also all tolls due under the Municipal Acts during His Highness's tour in the month of March 1940 in Mysore State.

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*No. P.* 6841—*Legis.* 37-39-9, *dated Bangalore, the* 18*th April* 1940.

In exercise of the powers conferred by sub-section (2) of section 1 of the Mysore Moneylenders Act, 1939, the Government of His Highness the Maharaja are pleased to exempt the undermentioned Banks and all their Branches from the operation of this Act except the provisions of Sections 14 to 17 (both inclusive) thereof:—

1. The Indian Bank, Ltd.
2. ,, Central Bank of India, Ltd.
3. ,, Vysya Bank, Ltd.
4. ,, Sriman Madhwa Siddhanta Abhivriddhikarini Bank, Ltd.
5. ,, Canara Bank, Ltd.
6. ,, Devanga Bank, Ltd.
7. ,, Sringeri Sri Sarada Bank, Ltd.

By Order,

H. V. NARAYANA RAO,

*Secretary to Government,*

*Law Department.*

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175

98

# The Mysore Gazette

## EXTRAORDINARY.

PUBLISHED BY AUTHORITY.

BANGALORE, MONDAY, JUNE 3, 1940.

## PART IV.

### Legislative Measures and Rules thereunder.

### NOTIFICATIONS.

*No.* 5953—*L. C., Bangalore, dated* 30*th May* 1940.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Coffee Cess Act, 1925, is published for general information with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,

*Secretary,*

*Mysore Legislative Council.*

## Bill further to amend the Mysore Coffee Cess Act, 1925.

Whereas it is necessary to provide for the continuance of the Mysore Coffee Cess Act, 1925, for a further period of ten years and to amend the said Act accordingly;

It is hereby enacted as follows:—

Short title.

(1) This Act may be called the Mysore Coffee Cess (amendment) Act, 194 .

Addition of new section 80-A to Act I of 1903.

(2) In sub-section (*c*) of section 1 of the Mysore Coffee Cess Act, 1925, for the words "one thousand nine hundred and forty" the words "one thousand nine hundred and fifty" shall be substituted.

## Statement of Objects and Reasons.

An Act to provide for the levy of cess on coffee lands in the Mysore State in order to maintain an Experimental Station or Stations for the investigation of diseases affecting coffee plant was first passed in 1925 (Act XIII of 1925). It came into force on 14th October 1925, and was to operate for five years. Subsequently, in 1930, the Act was amended so as to extend the period of operation for another ten years till 14th October 1940 (Act XIII of 1930). This period is to expire in a few months and it is considered desirable to continue the cess for another period as the experiments that are being conducted at the Coffee Experimental Station at Balehonnur have reached a fruitful stage. According to the provisions of the above Act, Government are contributing a sum not less than the amount of cess levied or leviable every year for the maintenance of the Station. This amount varies between Rs. 16,000 and Rs. 18,000 per year. It is proposed to extend the period of operation of the Act for a further period of ten years from 14th October 1940. Hence this Bill.

*No.* 5954—*L. C., Bangalore, dated* 30*th May* 1940.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Registration Act, 1903, is published for general information with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,

*Secretary,*

*Mysore Legislative Council.*

## Bill further to Amend the Mysore Registration Act, 1903.

WHEREAS it is expedient further to amend the Mysore Registration Act, 1903;

It is hereby enacted as follows:—

1. This Act may be called the Mysore Registration (amendment) Act, 194 . Short title.

2. After section 80 of the Mysore Registration Act, 1903, the following section shall be added as section 80-A, namely:— Amendment of section 1, Act XIII of 1925.

"80-A. Notwithstanding anything contained in this Act, no documents involving mutations shall be registered unless the proper mutation fees in accordance with the scale fixed by the Government under the Mysore Land Record of Rights Act, 1927, is paid at the time of presentation of such documents."

## Statement of Objects and Reasons of the Bill further to amend the Mysore Registration Act, 1903.

In response to the representations made at the Representative Assembly Meetings of June and October 1935, that in cases in which mutations are effected with reference to mortgages, sales, etc., the fees payable under the rules framed under the Record of Rights Act, 1927, may be ordered to be recovered from parties in the Sub-Registrar's Offices at the time of registration, it was ordered that the scheme of collecting mutation fees along with the registration fees be tried temporarily in one

taluk of each district. Accordingly the scheme was originally introduced into eight taluks that year and as it was found to work successfully, it was introduced into eight more taluks in each of the following years and has been in operation now in twenty-four taluks and two sub-taluks.

As the results were encouraging, the question of making the payment of these fees compulsory at the time of the registration of documents involving mutation is considered desirable and hence it is proposed to amend the Mysore Registration Act suitably to achieve the object.

---

*No.* 5956—*L. C., dated Bangalore, the* 30*th May* 1940.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Arms Act, 1890, is published for general information with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,
*Secretary,*
*Mysore Legislative Council.*

## Bill further to amend the Mysore Arms Act, 1890.

WHEREAS it is expedient further to amend the Mysore Arms Act, 1890;

It is hereby enacted as follows:—

Short title.

(1) This Act may be called the Mysore Arms (amendment) Act, 194 .

Amendment of Section 11, Act VI of 1890.

(2) In the second paragraph of section 11 of the Mysore Arms Act, 1890, for the words "three years," the words "one year" shall be substituted.

## Statement of Objects and Reasons of the Bill further to amend the Mysore Arms Act, 1890.

Under section 11 of the Mysore Arms Act, 1890, a person possessing arms, etc., the possession whereof has,

by virtue of the cancellation or expiry of a licence become unlawful, is required to deposit the sams with the officer in charge of the nearest police station. The arms have to be held in deposit for a period of three years after which they are forfeited to Government, unless redeemed by the owner in the meantime by the production of a licence.

It has been found in practice that most of the weapons so deposited are not redeemed and the large number of weapons that so accumulate require considerable trouble to keep them in good order. It is therefore proposed to reduce the period referred to in section 11 to one year. It is considered that this period is sufficient to enable the owner to apply for and obtain a licence for the weapon if it is of any use to him.

---

*No. 6267—L. C., dated Bangalore, the 31st May 1940.*

Under Standing Order No. 49 of the standing orders for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Mysore Sales of Motor Spirit Taxation Bill is published for general information.

By Order,
H. V. NARAYANA RAO,
*Secretary,*
*Mysore Legislative Council.*

## MYSORE SALES OF MOTOR SPIRIT TAXATION BILL.

### Report of the Select Committee.

WE, the members of the Select Committee to which the Mysore Sales of Motor Spirit Taxation Bill was referred, have considered its several clauses and have the honor to submit the following report :—

*Clause 2 (a).*—To facilitate the payment of tax in places where there might not be any Government Treasury, we recommend that the following words may be added at the end of this sub-clause :—

"and includes any office or branch of a bank notified as a Government Treasury for the purposes of this Act,"

*Clause 2 (d).*—As petrol is sold in certain parts of the State only in admixture with alcohol under the provisions of the Mysore Power Alcohol Act, 1939, we recommend that the definition may be made to include such petrol and that therefore the following words may be added at the end of this sub-clause :—

"and includes petrol mixed with alcohol in accordance with the provisions of the Mysore Power Alcohol Act, 1939;"

*Clause 3 (i).*—We consider that any alteration in the rate of tax should have the approval of the Legislative Council before coming into force and so recommend that the following proviso may be added at the end of the first, namely :—

"Provided further that no such notification shall come into force until approved by a resolution of the Legislative Council."

*Clause 14 (a).*—We recommend that the word "vessel" may be deleted from this sub-clause as unnecessary.

*Clause 15.*—For the sake of clarity, we recommend that for the word and figures, "section 14" occurring at the end of this clause, the words "the last preceding section" may be substituted.

*Clause 19 (c).*—We recommend that for the last word "authorities," the words "authority accordingly" may be substituted.

*Clause 20 (a).*—We consider it necessary that the tax on petrol should always be paid before any question of compounding an offence can arise under this clause, and accordingly recommend that the following words may be added between the words "payable" and "by him," namely :—

"under this Act, in addition to the tax payable"

*Clause 28.*—Since we consider that the Bill makes adequate provision for all contingencies and it is, therefore, unnecessary to provide for the removal of any difficulty in giving effect to its provisions, we recommend that this clause may be deleted.

As we have not made any material alterations in the Bill, we recommend that the Bill as amended by us need not be republished.

(Sd.) N. Madhava Rao
(*Chairman*).
,, S. Abdul Wajid.
,, A. V. Ramanathan.
,, C. E. Noronha.
,, A. N. Raghavachar.
,, Mahomed Abbas Khan.
,, C. Hayavadana Rao.
,, H. Lingappa.

Mr. M. C. Linge Gowda was not able to attend the Select Committee meeting.

The approval of Mr. B. R. Puttananjappa to the report will be notified on receipt.

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105

# The Mysore Gazette

Vol. 75.] PUBLISHED BY AUTHORITY. [No. 23

BANGALORE, THURSDAY, JUNE 6, 1940.

## PART IV.

### Legislative Measures and Rules thereunder.

### NOTIFICATIONS.

*No.* 10017-25—*Ml.* 86-39-123, *dated Bangalore,* 31*st May* 1940.

In exercise of the powers vested in them by and under Sections 61 (1) (*g*), 63 and 106 (1) and (2) of the Mysore Minor Municipalities Act, 1933, the Government of His Highness the Maharaja of Mysore are pleased to issue the accompanying rules for regulating the registration of vehicles within the limits of the Minor Municipalities in the State :—

Rules for regulating the numbering and registering of bicycles, tricycles and other vehicles in Minor Municipalities.—

(1) Any person who is the owner of a bicycle or tricycle or other vehicle liable to taxation in the Municipality under the law in force shall register such bicycle or tricycle or other vehicle at the Municipal Office within 31 days of these rules coming into force or his newly

coming into possession of such bicycle or tricycle or other vehicle. When he continues to be in possession of such bicycle or tricycle or vehicle he shall also register it at the said office either for the half-year within 31 days from the 1st July or from 1st January or for a year within 31 days from the 1st July each year.

*Explanation.*—"Owner" in the rules includes the person in charge for the time being of such bicycle or tricycle or other vehicle.

(2) The above registration shall be made on payment of the yearly or half-yearly tax on such bicycle, tricycle or other vehicle in advance under the law in force, at the rates fixed by the Municipal Council from time to time.

(3) A disc bearing the register number shall be issued on payment of the cost of the disc for each bicycle or tricycle so registered. In the case of carts and carriages, the registered number will be painted in a place on the side of the vehicle conspicuously and the cost of painting them shall be paid by the owner, in addition to the registration fee.

(4) No bicycle, tricycle or other vehicle so registered shall be used without its number disc being conspicuously attached to it or painted thereon as the case may be.

(5) A person who commits a breach of rules 1 and 4 *supra* shall, on conviction before a Magistrate, be punishable with a fine which may extend to Rs. 50.

---

*No. Rl.* 2991—*L. C.* 16-39-1, *dated, Bangalore 1st June* 1940.

In exercise of the powers conferred by Section 6 of the Mysore Legislative Council Act, 1923, the Government of His Highness the Maharaja are pleased to make the following amendment in the Rules of Business of the Mysore Legislative Council, *viz.*:

For Rule 13 of the Rules of Business, the following Rule shall be substituted, *viz.*:

"13. Copies of the Budget shall be despatched to the members of the Council on the same day that they are delivered to the members of the Representative Assembly."

---

*No. T.* 3619—*R. T.* 3-39-31, *dated, Bangalore,*
*3rd June* 1940.

In exercise of the powers conferred on them by Section 11 of the Mysore Motor Vehicles Act, 1928, the Government of His Highness the Maharaja are pleased to issue the following amendment to Rule 80 of the Rules regarding Public Service Motor Vehicles issued with Notification No. P. 3992—Legis. 46-35, dated 18th December 1935, as amended from time to time, the draft in the said behalf having been already published with Notification No. T. 2743—R. T. 3-39-21, dated 20th March 1940, at page 124, Part IV of the *Mysore Gazette*, dated 21st March 1940.

**Amendment.**

Add the following as Rule 80-B to the aforesaid Rule :—

"80-B. The First Aid box in every motor bus should be sent to the Government Industrial and Testing Laboratory once in every year by the bus owners for being overhauled and replenished at their own cost at such time as may be directed by the District Magistrate of the District. Whilst the boxes are sent for being overhauled, relief boxes would be lent to the bus owners by the District Magistrates out of the stock kept by them. These will have to be returned on return of their own boxes. The boxes should always be kept completely equipped and if at any time any of the contents are used up, they must be replaced immediately.

It should be one of the duties of the Bus Inspectors to see that the boxes are carried in every motor bus in such a manner that they can be easily opened in an emergency and that they always contain all the required articles."

*No. T.* 3704—*R. T.* 38-39-12, *dated 5th June* 1940.

In virtue of the powers vested in them under Sections 14 and 15 of the Mysore Road Traffic and Taxes Act No. VI of 1935, the Government of His Highness the Maharaja are pleased to direct that the Salapur Check Gate in Arsikere Taluk which was ordered to be located at the 7/114th mile on the Banavar-Honnavar Road under Notification No. T. 1057—R. T. 43-36-2, dated the 27th January 1937, be shifted to 4/114th mile on the same road with effect from 1st July 1940.

By Order,

H. V. NARAYANA RAO,

*Secretary to Government,*
*Law Department.*

*No. P.* 7617, *dated the 4th June* 1940.

Under rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Sugar (Excise Duty) Act, 1934, is published for general information with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,

*Secretary,*
*Mysore Legislative Council.*

## THE SUGAR (EXCISE DUTY) (AMENDMENT) BILL.

Whereas it is necessary to revise the excise duty on sugar;

It is hereby enacted as follows:—

1. (1) This Act may be called the Sugar (Excise Duty) (amendment) Act, 194.....

(2) It shall come into force at once.

(3) The Sugar (Excise Duty) (amendment) Act, 1940, (Emergency Act No. XV of 1940) is hereby repealed.

2. In clause (ii) of sub-section (2) of section 3 of the Sugar (Excise Duty) Act, 1934, for the words "two rupees," the words "three rupees" shall be substituted.

## BILL FURTHER TO AMEND THE MYSORE SUGAR EXCISE DUTY ACT, 1934.

### Statement of Objects and Reasons.

The excise duty on sugar (other than Khandsari and Palmyra sugar) both in British India and Mysore was Rs. 2 per cwt. The duty was raised to Rs. 3 in British India from 1st March 1940. As the duty in Mysore has to be kept at the same rate as in British India, an Emergency Act (XV of 1940) was promulgated on 1st March 1940, raising the duty from Rs. 2 to Rs. 3 per cwt.

As the Emergency Act expires on 1st September 1940, and as the enhanced duty will have to be in force after that date also, this Bill is designed to maintain the duty at the same level as in British India even after that date.

---

*Order No. P.* 7619, *dated Bangalore, the 4th June* 1940.

Under rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to provide for the imposition and the payment of duty on gold is published for general information with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,

*Secretary,*

*Mysore Legislative Council.*

## THE MYSORE DUTY ON GOLD BILL.

### (A bill to provide for the imposition and the payment of duty on gold.)

Whereas it is expedient to impose a duty on gold and to provide for the payment thereof;

It is hereby enacted as follows :—

1. (*1*) This Act may be called the Mysore Duty on Gold Act, 1940. Short title and extent.

(*2*) It extends to the whole of Mysore.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*a*) "gold works" means any place where gold is extracted from ore;

(*b*) "owner of a gold works" includes his agents and persons in charge of the gold works; and

(*c*) "prescribed" means prescribed by rules made under this Act.

Imposition and payment of duty on gold.

3. (*1*) There shall be paid by the owner of every gold works on all gold which is produced therein and which is issued out of the premises of such works on and after the 22nd day of March 1940, a duty at the rate mentioned in sub-section (2) and at the prescribed place.

(*2*) The duty on every ounce of gold shall be three-fourths of the amount by which its sale price exceeds one hundred rupees.

*Explanation.*—For the purposes of this sub-section sale price shall mean the amount realised by sale less prescribed charges, if any.

(*3*) The duty shall be payable in the prescribed manner before the end of the month immediately succeeding that in which the gold is sold.

Recovery of an arrear of duty.

4. (*1*) If any duty remains unpaid at the end of the period specified in sub-section (*3*) of section 3, it shall be deemed to be an arrear and the authority to which such duty is payable may, in lieu thereof, recover any sum not exceeding double the amount of the duty unpaid which such authority may, in its discretion, think it reasonable to require.

(*2*) Any arrear of duty or any sum recoverable in lieu thereof under sub-section (*1*) shall be recoverable as an arrear of land revenue.

Issue of gold from gold works.

5. (*1*) No person shall issue any gold out of the premises of any gold works except in the prescribed manner and until rules in this behalf are made, except in accordance with the general or special orders of the Government.

(*2*) Whoever contravenes any such rule or order shall be punishable with fine which may extend to one thousand rupees or to a sum double the amount of the duty payable on any gold issued in contravention of such rule or order, whichever is greater.

6. (*1*) The Government may make rules for carrying out the purposes of this Act. Power to make rules.

(*2*) In particular and without prejudice to the generality of the powers conferred by sub-section (*1*), the rules may provide for all or any of the following matters, namely:—

(*a*) imposing on owners of gold works the duty of furnishing returns and keeping records and books, prescribing the form of such returns, records and books and the particulars to be contained therein and the manner in which the same are to be verified and all such other conditions thereof as may be necessary;

(*b*) providing for the regulation of the issue of gold out of the premises of gold works;

(*c*) providing for the manner in which, the place at which and the authority to which the duty shall be payable and for the recovery of arrears; and

(*d*) providing for the inspection of gold works.

(*3*) Such rules may provide that any breach thereof shall be punishable with fine which may extend to five hundred rupees:

Provided that the breach of any rule under clause (*b*) of sub-section (*2*) shall be punishable with the penalty prescribed in sub-section (*2*) of section 5.

7. The Mysore Duty on Gold (Emergency) Act, 1940 (Act No. XVII of 1940), is hereby repealed. But any rules made, anything done and any action taken in exercise of any power conferred by or under the said Mysore Duty on Gold (Emergency) Act, 1940, shall be deemed to have been made, done or taken in exercise of powers conferred by or under this Act as if this Act had commenced on the 29th day of February 1940.

## Statement of Objects and Reasons.

The expansion of administrative activities and the introduction of measures calculated to improve the material and moral condition of the people entail a progressive increase of public expenditure and the question of finding additional revenue is receiving the consideration of Government. In view of the recent large

increase in the price of gold, it is considered desirable that a portion of the increased receipts should be made available to the State for expenditure on beneficent measures intended to meet urgent needs of the people. Accordingly an Emergency Act for the imposition and the payment of duty on gold, equal to three-fourths of the amount by which its sale price exceeds one hundred rupees per ounce of gold, in respect of gold produced and issued out of the premises of all gold works on and after the 22nd day of March 1940 was passed (Act XVII of 1940). The present high price of gold is likely to continue and it is proposed to place the Act permanently on the Statute Book.

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*No. P.* 7620, *dated Bangalore, the 4th June* 1940.

Under rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Land Revenue Code, 1888, is published for general information with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,

*Secretary,*

*Mysore Legislative Council.*

## BILL FURTHER TO AMEND THE MYSORE LAND REVENUE CODE.

### Statement of Objects and Reasons.

Under section 97 of the Mysore Land Revenue Code, superior holders can apply to the Deputy Commissioner in writing for assistance by the use of precautionary and other measures for the recovery of rent or land revenue payable to them by inferior holders or by co-sharers in their holdings, provided that such application is made within two years from the end of the revenue year or within the year of tenancy in which the said rent or land revenue became

Regd. No. M.—1175

113

# The Mysore Gazette

## EXTRAORDINARY.

**PUBLISHED BY AUTHORITY.**

MYSORE, SATURDAY, JUNE 8, 1940.

## PART IV.

**Legislative Measures, and Rules thereunder.**

### NOTIFICATION.

*No.* 6509—*L. C., Bangalore, dated 8th June* 1940.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore City Municipalities Act, 1933, is published for general information with the statement of objects and reasons.

By Order,
H. V. NARAYANA RAO,
*Secretary,*
*Mysore Legislative Council.*

**Bill further to amend the Mysore City Municipalities Act, 1933**

WHEREAS it is expedient further to amend the Mysore City Municipalities Act, 1933:

It is hereby enacted as follows:—

(1) This Act may be called the Mysore City Municipalities (amendment) Act, 194 .

(2) In Schedule II of the Mysore City Municipalities Act, 1933, *for* the figures and words, "0—0—1 per bundle of 100 leaves" occurring under the heading "Maximum rate" against the article "Betel-leaves," the figures and words, "0—0—2 per bundle of 100 leaves" shall be *substituted*.

**Statement of Objects and Reasons.**

According to the Bye-laws in force in the Bangalore City Municipality, octroi on betel-leaves is levied at the rate of two pies per bundle of 100 leaves. But, in the City Municipalities Act of 1933, the maximum rate of levy of octroi is fixed at one pie per bundle of 100 leaves. The rate actually levied according to the Bye-laws is more than the one prescribed in the Act. In the Civil and Military Station, a rate of two pies is levied on a bundle of 100 leaves.

The Municipal Commissioner, Bangalore City, in his letter dated 3rd April 1940, has forwarded a resolution of the Municipal Council, dated 5th February 1940, proposing an amendment in Schedule II of the said Act so as to legalise the levy under the Bye-laws.

It is proposed to amend the Act accordingly.

Printed by the Asst. Superintendent at the Government Branch Press, Mysore.

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175

# The Mysore Gazette

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BANGALORE, THURSDAY, JUNE 13, 1940.

## PART IV.

### Legislative Measures and Rules thereunder.

### NOTIFICATION.

*No. L.* 10200—*M. L.* 145-39-20, *dated Bangalore the 6th June* 1940.

The following draft amendments which are proposed to be made by Government in the revised rules regulating the supply of water in Bangalore City issued with Notification No. L. 2153—Ml. 105-34-9, dated 26th August 1939, in exercise of the powers vested in them under Section 228 of the Mysore City Municipalities Act, 1933, as amended from time to time, are published under sub-section (4) of the said section for the information of all persons interested. Any objections or suggestions must be preferred within a fortnight from the date of the publication of this notification in the *Mysore Gazette*, after which they will not be taken into consideration by Government.

I. Rule 51 will be modified as follows:—

"Any consumer who, during the period to which the meter reading relates, has used water in excess of the free allowance shall pay for such excess at the rate of rupee one per 1,000 gallons. Fractions of 1,000 gallons shall not be recorded on meter cards but will be carried forward for the next reading."

II. Rule 53 will be modified as hereunder:—

"The excess water charges, meter rent and other charges due under these rules shall be paid within fifteen days from the date of the bill at the office of the authorised officer, on bills which shall be sent to the party within five days from the date of meter reading."

"If bills are not received within five days from the date of reading, the party may obtain duplicate bills from the Supply Office to enable him to make payment within the due date."

"Non-receipt of bills shall not be accepted as excuse for delay in payment. Payments should invariably be made in cash, money orders or postal orders, but cheques for amounts not less than Re. 1 drawn on local banks, such as the Imperial Bank of India, the Mysore Bank, Co-operative Banks and Societies, shall be accepted in payment of the dues."

**Disconnection and Reconnection of service.**

"On failure of payment, within the due date, the Department reserves the right to cut off water-supply to the premises and connection will be restored only on receipt of the amount due along with a penalty of rupee one in such cases.

"This penalty will not be charged if disconnection is made at the request of the consumer, subject to the condition that all the dues up to the date of disconnection are paid up on or before the due date.

"Disconnection may not generally be made when the arrears due from any installation is less than rupee one, provided such arrears are paid up before the next quarterly bill is preferred.

"As mistakes are likely to occur in crediting the receipt to the proper ledger account and giving room for disconnection of service in such cases, notwithstanding such payments being made by the concerned parties, the

consumers are advised to produce receipts for payments, or alternatively, postal money order receipts or counterfoils of cheques when asked for by the officials of the Department who have been directed to effect disconnection of service, in cases of default in payment.

"No disconnection shall be made without first asking for the voucher in support of the payments made."

III. The following will be inserted as Rule 63-A:—

"In cases where wastage of water is due to leaky pipes, the party may be charged at a concessional rate of 8 annas per 1,000 gallons for such loss, the quantity being calculated as the difference between the actual consumption and the average consumption of the previous six months or the free allowance the premises are entitled to, whichever is greater."

IV. The undermentioned clause will be added as clause (i) under Rule 64:—

"In case the occupier of the premises does not give proper protection to meter readers from any injury being caused by animals such as dogs, etc."

By Order,

H. V. NARAYANA RAO,

*Secretary to Government,*
*Law Department.*

Printed by the Superintendent at the Government Press, Bangalore.

## NOTIFICATIONS.

*No. D.* 5641—*I. & C.* 136-39-6, *dated Bangalore the* 20*th June* 1940.

The following draft rules which the Government of His Highness the Maharaja of Mysore propose to make in exercise of the powers vested in them under Section 78(1) of the Mysore Factories Act, I of 1936, regarding Hazardous Operations are hereby published for the information of persons likely to be affected thereby. Any suggestions or objections in regard to these rules may be sent to the Secretary to Government, Development Department, within three months from the date of this publication.

(1) Chromium.
(2) Cellulose.
(3) Sand blasting.
(4) Cyanogen Compounds.

By Order,

C. E. NORONHA,

*Secretary to Government,*
*Development Department.*

## NOTIFICATION No. 1.

In exercise of the powers conferred by Section 33 (4) of the Mysore Factories Act of 1936, the Government of His Highness the Maharaja of Mysore are pleased to make the following Rules namely:

***Rules.***—

1. *Title and Application.*—(*a*) These rules may be called the Hazardous (Chromium) Rules, 1940.

(*b*) They shall apply to all Factories in which any operation involving the use of soluble chromium compounds is carried on.

2. *Declaration of operations as hazardous.*—Operations involving the use of soluble chromium compounds

are declared to be hazardous operations when carried on in any factory.

3. *Prohibition of the employment of women, children and adolescents.*—No woman, child, or adolescent shall be employed in any factory in any of the operations specified in Rule 2.

4. *Protective Clothing.*—(*a*) The occupier shall provide water-proof aprons (of a pattern approved by the Chief Inspector of Factories) or overalls in a clean condition which every person employed on any of the operations specified in Rule 2 shall wear.

(*b*) The occupier shall provide loose fitting rubber gloves of suitable length and rubber boots or other water-proof foot wear for the use of those working at any vessel in which electrolytic plating or oxidation of metal articles by the use of an electrolyte containing chromic acid or other chromium compounds or any process subsequent thereto is carried on :

Provided that the Chief Inspector of Factories may grant exemption from any or all the provisions of this rule where he is satisfied that they are not necessary to secure the health of the workers.

5. *Exhaust draughts.*—An efficient exhaust draught shall be provided, by mechanical means for the process of electrolytic plating or oxidation of metal articles by the use of an electrolyte containing chromic acid or other chromium compounds. The draught shall operate on the vapour or spray given off in the process as near as may be at the point of origin, so as to prevent it (as far as practicable under the atmospheric conditions usually prevailing) from escaping into the air of any place in which work is carried on.

## NOTIFICATION No. 2.

In exercise of the powers conferred by Section 33 (4) of the Mysore Factories Act of 1936, thd Government of His Highness the Maharaja of Mysore are pleased to make the following Rules namely :—

*Rules.*—

1. *Title and application.*—(*a*) These rules may be called the Hazardous Occupations (Cellulose Spraying) Rules, 1940.

(*b*) They shall apply to all Factories in which the spraying of Cellulose ester paints and lacquers is carried on.

2. *Declaration of operation as hazardous.*—The spraying of Cellulose ester paints or lacquers, is declared to be hazardous operation when carried on in any factory.

3. *Prohibition of the employment of children and adolescents.*—No child or adolescent shall be employed in any factory on the operation specified in Rule 2.

4. *Exhaust draughts.*—An efficient exhaust draught shall be provided by mechanical means for the process specified in Rule 2. The draught shall operate on the vapour given off in the process as near as may be at the point of origin so as to prevent it (as far as practicable under the atmospheric condition usually prevailing) from escaping into the air of any place in which work is carried on. The draught shall be maintained working for a period of at least five minutes after the cessation of the operation :

Provided that the Chief Inspector of Factories may grant exemption from the provisions of this rule if he is satisfied that due to the casual nature of the operation they are not necessary to secure the health of the workers.

5. *Position of Spray Operators.*—Arrangements shall, as far as practicable, be made so as to render it unnecessary for the person operating the spray to be in a position between a ventilating outfit and the article being sprayed.

## NOTIFICATION No. 3.

In exercise of the powers conferred by Section 33 (4) of the Mysore Factories Act of 1936, the Government of His Highness the Maharaja of Mysore are pleased to make the following Rules namely :—

*Rules.—*

1. *Title and application.*—(*a*) These rules may be called the Hazardous Operations (Sand Blasting) Rule, 1940.

(*b*) They shall apply to all Factories in which the operation of sand blasting as defined in Rule 2 is carried on.

2. *Definition.*—In these Rules sand blasting means the use of a jet of sand, metal shot, grit or other abrasive, propelled by a blast of compressed air or steam.

3. *Declaration of operation as hazardous operation.*—Sand blasting is declared to be a hazardous occupation when carried on in any factory.

4. *Prohibition of the employment of women adolescents and children.*—No woman, adolescent or child shall be employed in any Factory on sand blasting.

5. *Protective Clothing.*—(1) No person shall be allowed to perform or to assist at sand blasting in the open air or to work within 30 ft. of sand blasting apparatus in operation in the open air, unless he is wearing a suitable helmet and gauntlets.

(2) No person shall be allowed to work in or remain in a sand blasting chamber, unless he is wearing a suitable protective helmet overalls and gauntlets or to insert his arm or hand into the chamber, unless he is wearing a suitable gauntlet while sand blasting is carried on.

(3) The occupier shall provide and maintain in good condition all helmets, gauntlets and overalls necessary for compliance with sub-rules (1) and (2).

(4) A protective helmet shall not be considered suitable unless it carries the distinguishing mark of the person to whom it is issued and by whom it is intended to be used and is provided with a sufficient supply of pure air for breathing and ventilation, together with suitable arrangements to permit the escape of the expired air.

(5) No person shall wear a protective helmet that has been worn by another person unless and until such protective helmet shall have been thoroughly disinfected.

## NOTIFICATION No. 4.

In exercise of the powers conferred by Section 33 (4) of the Mysore Factories Act of 1936, the Government of His Highness the Maharaja of Mysore are pleased to make the following rules namely :—

*Rules.*—

1. *Title and application.*—(*a*) These Rules may be called Hazardous Operations (Cyanide) Rules, 1940.

(*b*) They shall apply to all Factories in which any operation involving the use of Cyanogen compounds is carried on.

2. *Declaration of operations as hazardous.*—Operations involving the use of cyanogen compounds are declared to be hazardous occupations when carried on in any factory.

3. *Prohibition of the employment of women, children and adolescents.*—No woman, child or adolescent shall be employed in any factory in any of the operations specified in Rule 2.

4. *Protective clothing and antidote.*—(1) Occupier shall provide rubber gloves for hands and arms of workmen reaching above the elbows, employed in any of the operations specified in Rule 2. (2) The occupier shall keep a box containing the antidote consisting of the following—

(i) 30 c.c. of a 23 per cent solution of ferrous sulphate.

(ii) 30 c.c. of a 5 per cent solution of caustic potash.

(iii) Two grams of powdered oxide of magnesium.

(3) The abovenamed box should be provided with a glass front and placed in some conspicuous place in the Factory and the words "Antidote for Cyanide Poisoning" with clear instructions of its use should be painted on the box.

5. *Exhaust draught.*—An efficient exhaust draught shall be provided in the Chamber where operations specified in Rule 2 are carried on. The draught shall operate on the vapour given off as near as may be at the point of origin so as to prevent it (as far as practicable under the atmospheric conditions usually prevailing) from escaping into the air of any place in which the operations are carried on.

———

*No. Rl.* 3096—*L. C.* 19-39-6, *dated Bangalore 21st June* 1940.

In exercise of the powers conferred by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja of Mysore are pleased to direct that the following rule be substituted for rule 35 of the Legislative Council Rules:—

"Subject to the provisions of Chapter III, a person shall be qualified to be included in the electrol roll—

(*a*) for the European Planting Constituency, if he is an European, and

(i) is the proprietor of an estate of not less than fifty acres assessed to coffee assessment; or

(ii) is the superintendent or manager of any such estate owned by a corporation which is under European control; or

(iii) if any such estate is owned by a partnership, is a partner nominated in that behalf by the other partners or is the superintendent or manager thereof;

(*b*) for the Indian Planting Constituency, if he is an Indian, and

(i) is the proprietor of an estate of not less than fifty acres assessed to coffee assessment; or

(ii) is the superintendent or manager of any such estate owned by a corporation which is under Indian control; or

(iii) if any such estate is owned by a partnership, is a partner nominated in that behalf by the other partners or is the superintendent or manager thereof;

Provided that, where any such estate is owned by a corporation or a partnership, not more than one person shall be qualified to be included in the electoral roll."

Regd. No. M.—1175 124

# The Mysore Gazette

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BANGALORE, THURSDAY, JULY 11, 1940.

## PART IV.

### Legislative Measures and Rules thereunder.

### NOTIFICATIONS.

*No. P.* 147—*Pol.* 4-40-4, *dated Bangalore, the 5th July* 1940.

Government have ordered in Notification No. P. 125—Pol. 4-40-2, dated the 5th July 1940, that a Census of all fire-arms in the State should be taken before the 31st August 1940. As it is essential that Government should have accurate information regarding the total number of fire-arms in the possession of the public, they are pleased to offer the following concessions, so that persons in possession of unlicensed fire-arms may find no difficulty in declaring them and obtaining licenses or surrendering them to the Police, as the case may be :—

(1) No prosecution will be instituted under the Arms Act against any person who, on or before the 31st August 1940, either deposits his unlicensed weapons at a Police Station or furnishes accurate information regarding them to the Inspector-General of Police in Mysore or the District Magistrate of the District where he resides ;

(2) Applications for the grant of licenses received from such persons on or before the 31st August 1940 will

be considered on their merits and if a license be granted, the applicant will be charged only the fee for the current year, no claim being made for arrears;

(3) Any such persons who do not desire to take out a license or to whom a license cannot be granted will be required to deposit their weapons if they have not already done so, at the nearest Police Station. If the weapons are deposited before the 31st August 1940 and a license be not granted, the proceeds which may be derived from their sale will be credited to such persons.

The public are hereby warned that after the 31st August 1940 prosecutions will be launched against any and every person found in unlawful possession of any weapon for which he is required by the rules to take out a license, provided that this period may be extended in the case of any person who would otherwise avail himself of this order, but is prevented from doing so by absence from the Mysore State or for any good and sufficient reasons.

*No. P.* 228—*Legis.* 2-40-2, *dated Bangalore, the* 11*th July* 1940.

In exercise of the powers conferred by sub-rule (2) of rule 94 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja hereby order that all persons in Mysore and who are the owners of any securities in respect of which the principal interest or dividends are payable in the currency of the United States of America or in respect of which the owner has an option to require the payment of principal interest or dividends in the currency of the United States of America shall, before the expiration of one month from the date of this notification, make a return to the Reserve Bank of India (on a form which may be obtained from any office of the Reserve Bank of India or from any person authorised by the Reserve Bank of India to deal in foreign exchange in British India) giving the following particulars with respect to those securities, that is to say,—

(*a*) the full name and address of the owner by whom or on whose behalf the return is made,

(*b*) a description of the security in full including particulars as to whether it is a bearer bond, registered or inscribed stock, etc.,

(*c*) the nominal amount of the security,

(*d*) whether the security is free or encumbered and if the latter, full details of the nature of the encumbrance including the amount of loan or advance, if any, which has been taken against the security and the currency in which and the name and address of person from whom it has been taken.

(*e*) the place in which and the name of the person with whom the security is deposited.

(*f*) the full name and address of the person for whose account the security is held (if other than the owner making the return).

By Order,

B. T. KESAVIENGAR,
*Chief Secretary to Government.*

*No. T.* 141—*R. T.* 100-39-2, *dated Bangalore,*
10*th July* 1940.

In exercise of the powers conferred upon them by Section 11 of the Mysore Motor Vehicles Act, XVI of 1928 as amended by Acts IV of 1931 and III of 1932, the Government of His Highness the Maharaja propose to introduce the following draft form, in lieu of the existing form "B" (page 69 of the Motor Manual) for entry of particulars relating to registration and taxation of motor vehicles, which is hereby published for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 18th July 1940 and that any suggestions or objections which may be received from any person with respect to the said draft form before the aforesaid date will be considered by Government.

By Order,

H. V. NARAYANA RAO,
*Secretary to Government,*
*Law Department.*

## Draft Form "B."

REGISTER OF MOTOR VEHICLES REGISTERED TOGETHER WITH ENTRIES FOR CHECKING THE PAYMENT OF TAXES.

1. Number assigned. 2. Full name of owner. 3. Postal address of usual residence of owner. 4. Name of maker and date of manufacture. 5. Number stamped on—(i) Engine, (ii) Chassis. 6. Type of motor vehicle. 7. Type of body of vehicle,—(i) Seating capacity, (ii) Carrying capacity. 8. Horse power. 9. Number of cylinders. 10. Unladen weight of vehicle in cwts. 11. Whether intended for—(i) Private use, (ii) Public Service. 12. If the vehicle is a heavy motor vehicle—Axle weight of each axle; diameter of each wheel. 13. Date of registration. 14. Amount of fee paid; chellan number and date and name of Treasury.

| | | *Tax payments with license number.* | | | | | |
|---|---|---|---|---|---|---|---|
| | | *Year.* | *1st Qr.* | *2nd Qr.* | *3rd Qr.* | *4th Qr.* | Remarks. |
| 1. | Transfer of Vehicle | | | | | | |
| 2. | Do | | | | | | |
| 3. | Do | | | | | | |
| 4. | Do | | | | | | |
| 5. | Do | | | | | | |
| 6. | Do | | | | | | |
| 1. | Change of address. | | | | | | |
| 2. | Do | | | | | | |

*Inspector-General of Police.*

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*No. P.* 207—*Legis.* 1-40-1, *dated Bangalore,* 10*th July* 1940.

CORRIGENDUM.

In Sub-section (2) of Section 38 of the Insurance Act, 1939, for the words, "duly attested except where the transfer or assignment is in favour of the insurer but shall not be operative" the words "duly attested but except where the transfer or assignment is in favour of the insurer shall not be operative" shall be substituted.

*No. P.* 208—*Legis.* 29-39-11, *dated Bangalore, the* 10*th July* 1940.

In exercise of the powers conferred by sub-rule (1) of rule 114 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are pleased to direct that the following further amendments shall be made in the Enemy Property (Custody and Registration) Order, 1939 :—

1. In the said order—

(1) for clause (iii) of paragraph 2, the following clause shall be substituted, namely :—

"(iii) "enemy" means any person whose property is for the time being vested in the Custodian by an order made under sub-rule (1) of rule 114 of the Defence of India Rules, as applied to Mysore."

(2) paragraph 3 shall be renumbered as sub-paragraph (1) of paragraph 3, and after that sub-paragraph as so renumbered, the following sub-paragraph shall be inserted, namely :—

"(2) In cases in which money would, but for the existence of a state of war, be payable in a foreign currency to or for the benefit of a person who is an enemy (other than cases in which money is payable under a contract in which provision is made for a specified rate of exchange), the payment shall be made to the Custodian of Enemy Property in Mysore in Rupee currency at the middle official rate of exchange fixed by the Bank of England on the date on which the payment became due to that person (or the middle rate of exchange for telegraphic transfers in London on that date, or if there was no such rate on that date, at such rate as the Treasury of His Majesty's Government in the United Kingdom may determine as appropriate for ascertaining the value in English currency of the money payable on that date) combined with the Reserve Bank of India's buying rate for Sterling telegraphic transfers on London."

(3) In paragraph 3 for the word "enemy", the words "enemy subject or enemy firm" shall be substituted.

(4) In paragraph 8

(*a*) in sub-paragraphs (1), (2), (4) and (5), for the word "enemy" the words "enemy subject or enemy firm" shall be substituted;

(*b*) after sub-paragraph (1) the following sub-paragraph and Note shall be inserted, namely:—

"(1A) Every Bank which has furnished particulars of balances or deposits standing to the credit of an enemy in Form A may, not later than the 8th August 1940, communicate to the Custodian in Form AA full particulars of the debts, if any, owing to it by the enemy.

NOTE:—Claims submitted later than the 8th August 1940, will not be considered unless there are exceptional and valid reasons for the delay."

II. In the Appendix to the said Order, after Form A, the following Form shall be inserted, namely:—

## FORM AA.

To

The Custodian of Enemy Property.

PART I.

Refunds claimed against enemy debts already paid into Custodian's account.

| References | | Date of deposit and name of Enemy | Amount of deposit | Withdrawals claimed | Remarks *re* nature of the claim |
|---|---|---|---|---|---|
| Bank's letters 1 | Custodian's letters 2 | 3 | 4 | 5 | 6 |
| | | | Rs. a. p. | Rs. a. p. | Rs. a. p. |
| | | | | Total claims... | |

## PART II.

### Payments now to be made to Custodian.

| References | | Gross collections | Amount of Bank's claim | Net payment to Custodian | Remarks | |
|---|---|---|---|---|---|---|
| Bank's Letters | Custodian's Letters | | | | Details of collections in column 3 | Details of claims in column 4 |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | | Rs. a. p. | Rs. a. p. | Rs. a. p. | Rs. a. p. | |
| | | | | Total payments. | | |

## PART III.

Rs. a. p.

Total claims, Part I .... ....
Total payments, Part II ....

Net amount due to/by Custodian ....

I certify that I have verified that the amounts claimed above are due from the particular enemy against whose assets they are now being claimed, and that the above statement is to the best of my knowledge correct.

*Manager.*"

---

*No. P.* 215—*Legis.* 2-40-1, *dated Bangalore,* 10*th July* 1940.

Rule 90 of the Defence of India Rules as amended from time to time is hereby republished for general information :—

"90 (1) In this rule, the expression "coin" means coin which is legal tender under the Indian Coinage Act, 1906.

(2) No person shall—

(*a*) buy or sell or offer to buy or sell, for an amount other than its face value, any coin or Reserve Bank of India note or currency note of the Government of India; or

(*b*) accept or offer to accept, in payment of a debt or otherwise, any such coin or note for an amount other than its face value; or

(*c*) refuse to accept, in payment of a debt or otherwise, any such coin or note; or

(*d*) acquire coin to an amount, in excess of his personal or business requirements for the time being which, in the case of an acquisition of coin from any Currency Office, Treasury, Sub-Treasury or branch of the Imperial Bank of India doing treasury business, shall be determined by the officer in charge of such Currency Office, Treasury, Sub-Treasury or branch whose determination shall be final and shall not be called in question in any legal proceeding."

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*No. L.* 223—*Ml.* 145-39-21, *dated Bangalore, 6th July* 1940.

The following draft amendments which are proposed to be made by Government in the Revised Rules regulating the supply of water in Bangalore City issued with Notification No. L. 2153—Ml. 105-34-9, dated 26th August 1939, in exercise of the powers vested in them under Section 228 of the Mysore City Municipalities Act, 1933, as amended from time to time, are published under Sub-Section (4) of the said section for the information of all persons interested. Any objections or suggestions must be preferred within a fortnight from the date of publication of this Notification in the *Mysore Gazette* after which they will not be taken into consideration by Government.

I. The following will be added as Sub-para to Rule 52:—

"The same rates shall apply to Government Industrial and Commercial concerns also."

II. The following will be added at the end of Rule 45:—

"But in the case of Government residential buildings like Police lines, Nurses' quarters, etc., the free allowance fixed is without restriction to the maximum limit."

III. Rule 83 will be modified as follows:—

"In the case of Government public buildings and institutions in which Government offices are held and which are not run on commercial or business or trade lines, the entire water consumed shall be charged at 8 annas per 1,000 gallons without any free allowance, as the buildings are used solely for public purposes."

IV. Rule 82 will be modified as hereunder:—

"The free allowance of water in the case of hostels or boarding schools, Government or aided or private, whether with paying members or free boarders, shall be at 12½ gallons per head per day. The Department shall get the statistics once in every quarter before the 10th of the month.

By Order,

H. V. NARAYANA RAO,

*Secretary to Government,*

*Law Department.*

NOTIFICATION. 133

*Order No. P.* 371—*Legis.* 4-40-1, *dated Bangalore, the* 17*th July* 1940.

Ordered that the accompanying Act to provide for the imposition and the payment of duty on Gold which received the assent of His Highness the Maharaja, on the 6th day of July 1940, be published as Act No. XIX of 1940, in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
*Secretary to Government,*
*Law Department.*

ACT No. XIX OF 1940.

# THE MYSORE DUTY ON GOLD ACT, 1940.

**(An Act to provide for the imposition and the payment of duty on gold.)**

*(Received the assent of His Highness the Maharaja on the 6th day of July 1940).*

Whereas it is expedient to impose a duty on gold and to provide for the payment thereof;

It is hereby enacted as follows:—

Short title and extent.

1. (*1*) This Act may be called the Mysore Duty on Gold Act, 1940.

(*2*) It extends to the whole of Mysore.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*a*) "gold works" means any place where gold is extracted from ore;

(*b*) "owner of a gold works" includes his agents and persons in charge of the gold works; and

(*c*) "prescribed" means prescribed by rules made under this Act.

Imposition and payment of duty on gold.

3. (*1*) There shall be paid by the owner of every gold works on all gold which is produced therein and which is issued out of the premises of such works on and after the 22nd day of March 1940, a duty at the rate mentioned in sub-section (2) and at the prescribed place.

(*2*) The duty on every ounce of gold shall be three-fourths of the amount by which its sale price exceeds one hundred rupees.

*Explanation.*—For the purposes of this sub-section sale price shall mean the amount realised by sale less prescribed charges, if any.

(*3*) The duty shall be payable in the prescribed manner before the end of the month immediately succeeding that in which the gold is sold.

Recovery of an arrear of duty.

4. (*1*) If any duty remains unpaid at the end of the period specified in sub-section (*3*) of section 3, it shall be deemed to be an arrear and the authority to which such duty is payable may, in lieu thereof, recover any sum not exceeding double the amount of the duty unpaid which such authority may, in its discretion, think it reasonable to require.

(*2*) Any arrear of duty or any sum recoverable in lieu thereof under sub-section (*1*) shall be recoverable as an arrear of land revenue.

Issue of gold from gold works.

5. (*1*) No person shall issue any gold out of the premises of any gold works except in the prescribed manner and until rules in this behalf are made, except in accordance with the general or special orders of the Government.

(*2*) Whoever contravenes any such rule or order shall be punishable with fine which may extend to one thousand rupees or to a sum double the amount of the duty payable on any gold issued in contravention of such rule or order, whichever is greater.

Power to make rules.

6. (*1*) The Government may make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the powers conferred by sub-section (*1*), the rules may provide for all or any of the following matters, namely:—

(*a*) imposing on owners of gold works the duty of furnishing returns and keeping records and books, prescribing the form of such returns

135

records and books and the particulars to be contained therein and the manner in which the same are to be verified and all such other conditions thereof as may be necessary ;

(*b*) providing for the regulation of the issue of gold out of the premises of gold works ;

(*c*) providing for the manner in which, the place at which and the authority to which the duty shall be payable and for the recovery of arrears ; and

(*d*) providing for the inspection of gold works.

(*3*) Such rules may provide that any breach thereof shall be punishable with fine which may extend to five hundred rupees :

Provided that the breach of any rule under clause (*b*) of sub-section (*2*) shall be punishable with the penalty prescribed in sub-section (*2*) of section 5.

7. The Mysore Duty on Gold (Emergency) Act, 1940 (Act No. XVII of 1940), is hereby repealed. But any rules made, anything done and any action taken in exercise of any power conferred by or under the said Mysore Duty on Gold (Emergency) Act, 1940, shall be deemed to have been made, done or taken in exercise of powers conferred by or under this Act as if this Act had commenced on the 29th day of February 1940.

MIRZA M. ISMAIL,
*Dewan.*

**Price : 0-0-6.**

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136

# The Mysore Gazette

Vol. 75.] PUBLISHED BY AUTHORITY. [No. 29

BANGALORE, THURSDAY, JULY 18, 1940.

## PART IV.

### Legislative Measures and Rules thereunder.

### NOTIFICATIONS.

*No. D. 216—I. & C. 46-39-39, dated Bangalore, the 12th July 1940.*

In exercise of the powers conferred on them by Section 78 (2) of the Mysore Factories Act I of 1936, as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to issue the following additional rules regarding Hazardous Operations, the draft in this behalf having been already published with Notification No. D. 2446—I. & C. 46-39-8, dated 8—13th November 1939:—

1. After Part II of the schedule to rule 97 of the Mysore Factories rules the following shall be added as parts III and IV.

PART III.

Operations involving the carrying or lifting of articles by women workers in any Factory.

PART IV.

Operations of bleaching and dyeing in any Textile Factory.

2. After sub-rule 10 of rule 97 the following sub-rules shall be added :—

Sub-rule (11) : No woman worker shall by herself carry or lift articles weighing more than a third of the woman's weight or 50 lbs., whichever is less.

Sub-rule (12) : The occupier of a Textile Factory shall provide loose fitting rubber gloves of suitable length for the use of workers engaged in any of the processes specified in Part IV of the schedule. Such gloves should be collected, examined, and cleaned at the close of the day's work and shall be repaired or renewed when necessary.

2. These rules will come into force from the date of this Notification in the Gazette.

By Order,

C. E. NORONHA,

*Secretary to Government,*
*Development Department.*

*No. P.* 329—*Legis.* 37-39-22, *dated Bangalore, the* 16*th July* 1940.

In exercise of the powers conferred by sub-section (2) of section 1 of the Mysore Moneylenders' Act 1939, the Government of His Highness the Maharaja are pleased to exempt the undermentioned Banks and all their Branches from the provisions of Chapters II and III of the said Act :—

1. Sarvajana Vardhini Bank, Ltd., Doddapet, Mysore.
2. Sri Ranganatha Bank, Ltd., Chamarajanagar.

*No. P.* 361—*Legis.* 2-40-3, *dated Bangalore, the* 17*th July* 1940.

The following notifications of the Government of India are hereby republished for general information.

By Order,

H. V. NARAYANA RAO,
*Secretary to Government,*
*Law Department.*

GOVERNMENT OF INDIA.

## DEFENCE CO-ORDINATION DEPARTMENT.

*Simla, the* 20*th June* 1940.

No. 496-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

For sub-rule (1) of rule 88 of the said Rules, the following sub-rule shall be substituted, namely :—

"(1) The Central Government may be notified order declare that nothing in any restriction imposed by or under any law for the time being in force shall apply to the loading, unloading, handling, storage or conveyance, in any port, aerodrome or railway station, or in or from any vessel, aircraft or railway train, of ammunition, explosives or inflammable substances in the service of His Majesty, or under instructions given on behalf of Government, or for purposes of defence."

*Simla, the 22nd June* 1940.

No. 356-OR/1/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

In sub-rule (1) of rule 26 of the said Rules, after clause (*g*), the following clause shall be inserted, namely:—

"(*h*) otherwise regulating his conduct in any such particular as may be specified in the order :"

A. DEC. Williams,
Secretary to the Government of India.

Printed by the Superintendent at the Government Press, Bangalore.

NOTIFICATION. 1940.

*Order No. P. 451—Legis. 6-40-1, dated Bangalore, the 19th July* 1940.

Ordered that the accompanying Act further to amend the Mysore Land Revenue Code, 1888, which received the assent of His Highness the Maharaja, on the 9th day of July 1940, be published as Act No. XXI of 1940, in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
*Secretary to Government,*
*Law Department.*

ACT No. XXI OF 1940.

## THE MYSORE LAND REVENUE (AMENDMENT) ACT, 1940.

*(Received the assent of His Highness the Maharaja on the 9th day of July 1940.)*

Whereas it is expedient further to amend the Mysore Land Revenue Code, 1888;

It is hereby enacted as follows :—

Short title.

1. This Act may be called the Mysore Land Revenue (amendment) Act, 194

Substitution of proviso in section 97, Act IV of 1888.

2. For the first proviso to section 97 of the Mysore Land Revenue Code, 1888, the following proviso shall be substituted, namely :—

"Provided that such application be made within two years, and in the case of alienated or kayamgutta villages into which survey and settlement have been introduced, within six years, from the end of the revenue year or the year of tenancy in which the said rent or land revenue became payable."

MIRZA M. ISMAIL,
*Dewan.*

**Price: 0-0-3**

Printed by the Superintendent at the Government Press, Bangalore.

NOTIFICATION. 741

*Order No. P.* 453—*Legis.* 8-40-1, *dated Bangalore, the* 19*th July* 1940.

Ordered that the accompanying Act further to amend the Mysore Arms Act, 1890, which received the assent of His Highness the Maharaja, on the 9th day of July 1940, be published as Act No. XXIII of 1940, in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
*Secretary to Government, Law Department.*

ACT No. XXIII OF 1940.

## THE MYSORE ARMS (AMENDMENT) ACT, 1940.

**An Act further to amend the Mysore Arms Act, 1890.**

(*Received the assent of His Highness the Maharaja on the 9th day of July 1940.*)

WHEREAS it is expedient further to amend the Mysore Arms Act, 1890;

It is hereby enacted as follows:—

Short title. (1) This Act may be called the Mysore Arms (amendment) Act, 194 .

Amendment of Section 11. Act VI of 1890. (2) In the second paragraph of section 11 of the Mysore Arms Act, 1890, for the words "three years," the words "one year" shall be substituted.

MIRZA M. ISMAIL,
*Dewan.*

**Price: 0-0 3**

Printed by the Superintendent at the Government Press, Bangalore.

NOTIFICATION. 142

*Order No. P. 454—Legis. 7-40-1, dated Bangalore, the 19th July 1940.*

Ordered that the accompanying Act further to amend the Sugar (Excise Duty) Act, 1934, which received the assent of His Highness the Maharaja, on the 9th day of July 1940, be published as Act No. XXII of 1940, in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
*Secretary to Government,*
*Law Department.*

ACT No. XXII OF 1940.

## THE SUGAR (EXCISE DUTY) (AMENDMENT) ACT, 1940.

*(Received the assent of His Highness the Maharaja on the 9th day of July 1940.)*

Whereas it is necessary to revise the Excise Duty on sugar;

It is hereby enacted as follows:—

1. (*1*) This Act may be called the Sugar (Excise Duty) (amendment) Act, 194 .

(*2*) It shall come into force at once.

(*3*) The Sugar (Excise Duty) (amendment) Act, 1940 (Emergency Act No. XV of 1940), is hereby repealed.

2. In clause (ii) of sub-section (2) of section 3 of the Sugar (Excise Duty) Act, 1934, for the words "two rupees," the words "three rupees" shall be substituted.

MIRZA M. ISMAIL,
*Dewan.*

**Price: 0-0-3**

Printed by the Superintendent at the Government Press, Bangalore.

## NOTIFICATION. 143

*Order No. P. 543—Legis. 9-40-1, Bangalore, dated 24th July 1940.*

Ordered that the accompanying Act further to amend the Mysore Coffee Cess Act, 1925, which received the assent of His Highness the Maharaja, on the 15th day of July 1940, be published as Act No. XXIV of 1940, in the *Mysore Gazette*, for general information.

H. V. NARAYANA RAO,
*Secretary to Government,*
*Law Department.*

## ACT No. XXIV OF 1940.

# THE MYSORE COFFEE CESS (AMENDMENT) ACT, 1940.

*Received the assent of His Highness the Maharaja, on the 15th day of July 1940.*

Whereas it is necessary to provide for the continuance of the Mysore Coffee Cess Act, 1925, for a further period of ten years and to amend the said Act accordingly;

It is hereby enacted as follows:—

(1) This Act may be called the Mysore Coffee Cess (amendment) Act, 1940. Short title.

(2) In sub-section (*c*) of section 1 of the Mysore Coffee Cess Act, 1925, for the words "one thousand nine hundred and forty" the words "one thousand nine hundred and fifty" shall be substituted. Addition of new section 80-A to Act I of 1908.

MIRZA M. ISMAIL,
*Dewan.*

**Price: 0-0-3**

Printed by the Superintendent at the Government Press, Bangalore.

## NOTIFICATION. 1941

*No. P. 545—Legis. 11-40-1, dated Bangalore, the 24th July 1940.*

Ordered that the accompanying Act further to amend the Mysore City Municipalities Act, 1933, which received the assent of His Highness the Maharaja, on the 15th day of July 1940, be published as Act No. XXVI of 1940, in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
*Secretary to Government,*
*Law Department.*

## ACT No. XXVI OF 1940.

# THE MYSORE CITY MUNICIPALITIES AMENDMENT ACT, 1940.

*(Received the assent of His Highness the Maharaja on the 15th day of July 1940.)*

WHEREAS it is expedient further to amend the Mysore City Municipalities Act, 1933; It is hereby enacted as follows:—

(1) This Act may be called the Mysore City Municipalities (Amendment) Act, 1940.

(2) In Schedule II of the Mysore City Municipalities Act, 1933, for the figures and words, "0—0—1 per bundle of 100 leaves" occurring under the heading "Maximum rate" against the article "Betel-leaves," the figures and words, "0—0—2 per bundle of 100 leaves" shall be substituted.

MIRZA M. ISMAIL,
*Dewan.*

**Price 0-0-3**

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945

# The Mysore Gazette

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BANGALORE, THURSDAY, AUGUST 1, 1940.

## PART IV.

### Legislative Measures and Rules thereunder.

### NOTIFICATIONS.

*No. G. 798—P. H. 136-39-3, dated Bangalore, the 29th July 1940.*

Under Section 20-E of the Mysore Prevention of Adulteration Act, IX of 1921, as amended by Act, IV of 1929, Act IV of 1930 and Act XII of 1935, the Government of His Highness the Maharaja of Mysore are pleased to issue the following amendments and additions to rule 6 issued with Government Notification No. G. 2463—Sany. 61-30-7, dated 22nd September 1931, annexed hereto, fixing the standards of purity prescribed for milk, cream, butter and ghee and also to the rules issued with Notification No. G. 7985—P. H. 157-36-6, dated 30th March 1938 fixing the standards of coffee and a fresh rule regarding tea, previous publication having been made in Government Notification No. G. 9104—P. H. 136-39-2, dated 27th April 1940.

By Order,

C. E. NORONHA,

*Secretary to Government,*

*Development Department.*

## Amended Rules.

6. The standards of purity prescribed for milk, cream, curds, butter and ghee, and tea and coffee are as follows:—

*Milk.*—

*Cow's Milk.*—

(1) Where a sample of cow's milk (not being sold or offered for sale as skimmed or separated milk) contains less than three per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine, by reason of the abstraction therefrom of milk-fat or the addition thereto of water.

(2) Where a sample of cow's milk whether sold or offered for sale as cow's milk or as skimmed or separated cow's milk, contains less than 8·5 per cent of milk-solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved that the milk is not genuine by reason of the addition thereto of water.

(3) Where a sample of cow's milk, whether sold or offered for sale as cow's milk or as skimmed or separated cow's milk contains less than 0·5 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water.

(4) Where a sample of cow's milk whether sold, or offered for sale as cow's milk or as skimmed or separated cow's milk, contains less than 0·5 or more than 0·75 per cent of ash, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine by reason of the addition thereto of water, or the addition of extraneous solids, as the case may be.

*Buffalo's Milk.*—

(5) Where a sample of buffalo's milk (not being sold or offered for sale as skimmed or separated milk) contains less than 4·0 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of

the abstraction therefrom of milk-fat, or the addition thereto of water.

(6) Where a sample of buffalo's milk, whether sold or offered for sale as buffalo's milk, or as skimmed or separated buffalo's milk, contains less than 9 per cent of milk solids other than milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water.

(7) Where a sample of buffalo's milk, whether sold, or offered for sale as buffalo's milk, or as skimmed or separated buffalo's milk, contains less than 0·53 per cent of nitrogen, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water.

*N. B.*—The minimum limits for nitrogen prescribed above under (3) and (7) are intended to be used in those cases in which a sample of milk when it is analysed is so far decomposed that an estimation of the proportion of milk-solids other than milk-fat in the sample before decomposition will be unreliable, the proportion of nitrogen not being appreciably affected by decomposition.

(8) Where a sample of buffalo's milk, whether sold or offered for sale as buffalo's milk, or as skimmed or separated buffalo's milk contains less than 0·60 or more than 1·00 per cent of ash, it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of the addition thereto of water, or the addition of extraneous solids, as the case may be.

*Unspecified Milk.*—

(9) Where a sample of milk, separated milk or skimmed milk, is sold or offered for sale or hawked about, without any indication as to whether it is derived from the cow or the buffalo and by comparison with the minimum limits prescribed above under (1), (2) and (3) for cow's milk, it appears to be adulterated, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine for the reason given in the above rule or rules which are applicable.

*Maximum Limit for Dirt in Milk.*—

(10) Where a sample of milk, separated milk or skimmed milk deposits on standing for a period of 24

hours or less, an amount of visible sediment exceeding five parts per 100,000 (both milk and sediment being measured by volume), it shall be presumed for the purposes of this Act, until the contrary be proved, that the milk is not genuine by reason of its containing an excessive amount of dirt.

*Cream.—*

(11) Where a sample of cream contains less than 20 per cent of milk-fat, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine.

*Curd.—*

Curd is the product obtained by lactic acid fermentation of milk.

*Curd from Cow's Milk.—*

(12) Where a sample of curd from cow's milk, whether sold or offered for sale as curd from cow's milk, contains less than 8·9 per cent of total solids and more than 2·82 per cent of acidity in terms of lactic acid, it shall be presumed for the purposes of this Act, until the contrary be proved, that the curd is not genuine by reason of the addition thereto of water.

*Curd from Skimmed (Cow's) Milk.—*

(13) Where a sample of curd from skimmed (cow's) milk, whether sold or offered for sale as curd from skimmed (cow's) milk, contains less than 6·1 per cent of total solids and more than 3·28 per cent of acidity in terms of lactic acid, it shall be presumed for the purposes of this Act, until the contrary be proved, that the curd is not genuine by reason of the addition thereto of water.

*Curd from Buffalo's Milk.—*

(14) Where a sample of curd from buffalo's milk, whether sold or offered for sale as curd from buffalo's milk, contains less than 9·8 per cent of total solids and more than 3·45 per cent of acidity in terms of lactic acid, it shall be presumed for the purposes of this Act, until

the contrary be proved, that the curd is not genuine by reason of the addition thereto of water.

*Curd from Skimmed (Buffalo's) Milk.—*

(15) Where a sample of curd from skimmed (buffalo's) milk, whether sold or offered for sale as curd from skimmed (buffalo's) milk, contains less than 7·3 per cent of total solids and more than 3·55 per cent of acidity in terms of lactic acid, it shall be presumed for the purposes of this Act, until the contrary be proved, that the curd is not genuine by reason of the addition thereto of water.

*Curd from Skimmed (Unspecified) Milk.—*

(16) Where a sample of curd from skimmed milk is sold or offered for sale or hawked about, without any indication as to whether it is made of cow's or buffalo's milk and by comparison with the limits prescribed above under (13) for curd from skimmed (cow's) milk, it appears to be adulterated, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine.

*Butter.—*

(17) (*a*) Where the proportion of water in a sample of butter made from cow's or buffalo's milk or cream exceeds 20 per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the butter is not genuine by reason of the excessive amount of water therein.

NOTE.—Rules 18 and 19 which are intended to be used in the case of ghee samples shall also apply in the case of butter which may be clarified into ghee for this purpose.

(*b*) No preservatives except salt shall be used.

*Ghee.—*

(18) Where the proportion of water in a sample of ghee made from cow's or buffalo's butter exceeds one per cent, it shall be presumed for the purposes of this Act, until the contrary be proved, that the ghee is not genuine by reason of the excessive amount of water therein.

(19) Where a sample of ghee, whether sold or offered for sale, as cow's ghee or buffalo's ghee or mixed ghee does not satisfy the following values, it shall be presumed for the purposes of this Act, until the contrary be proved, that the sample is not genuine.

| | Refractive Index at 40°C | Reichert Meissl value | Polenske value | Free Fatty Acids as oleic, per cent | Saponification value | Iodine value |
|---|---|---|---|---|---|---|
| | | Not less than | Not less than | Not more than | Not less than | Not more than |
| Cow's Ghee ... | 41·0—44·0 | 21·0 | 1·5 | 0·20 | 225 | 41·0 |
| Buffalo's Ghee ... | 41·0—44·0 | 27·0 | 1·5 | 0·30 | 225 | 41·0 |
| Mixed Ghee ... | 41·0—4·0 | 25·0 | 1·5 | 0·28 | 225 | 41·0 |

*Tea.—*

(20) (*a*) Tea shall be derived exclusively from the leaves and buds of plants of the *Camellia* genus and *Thea* species.

(*b*) Tea shall contain :—

(i) a proportion of extractive matter in boiling water which is not less than 40 per cent,

(ii) a proportion of total ash of not less than 4 per cent and not more than 8 per cent,

(iii) a proportion of ash insoluble in boiling water which is not more than 3·0 per cent, and

(iv) the total alkalinity of the ash as $K_2O$ should not be less than 1·7 or more than 2·0.

*N.B.*—For the purpose of this rule, the ash of tea shall be determined on dry tea, that is, tea dried to constant weight at 100°C.

(*c*) Where a sample of tea does not comply with all the standards specified in sub-rules (*a*) and (*b*), it shall be presumed for the purposes of this Act, until the contrary be proved, that the tea is not genuine.

*Coffee.—*

(21) (*a*) "Coffee" means the seed of cultivated varieties of *Coffea arabica*, *Coffea liberica* and *Coffea robusta*.

"Green, raw or unroasted Coffee" is coffee freed from all but a small portion of its spermoderm, and conforms in variety and in place of production to the name it bears.

"Roasted Coffee" means properly cleaned green coffee which by the action of heat (roasting) has become brown and has developed its characteristic aroma and shall not contain any admixture of other substances than coffee, save as under (*d*).

(*b*) Coffee shall contain :—

(i) a proportion of extractive matter in boiling water which is not less than 30 per cent,

(ii) a proportion of total ash of not less than 4 per cent and not more than 5 per cent,

(iii) a proportion of ash insoluble in boiling water which is not more than 1·4 per cent, and

(iv) the total alkalinity of the ash as $K_2O$ should not be less than 1·8 or more than 2·2.

*N.B.*—For the purpose of this rule, the ash of coffee powder shall be determined on dry coffee powder, that is, coffee powder dried to constant weight at 100°C.

(*c*) Where a sample of coffee does not comply with all the standards specified in sub-rules (*a*) and (*b*) it shall be presumed for the purposes of this Act, until the contrary be proved, that the coffee is not genuine.

(*d*) The only permissible adulterant to coffee is chicory, which may be added to the coffee in a proportion not exceeding 50 per cent. The fact of such an addition and the exact proportion of the adulterant shall be clearly indicated on the label of the container or packet, containing the mixture, in a conspicuous place and in distinct legible letters.

When ground coffee is sold or exposed for sale in loose form, *i.e.*, other than in specifically prepared packets or containers, the receptacles containing the coffee, or on which it is exposed or kept for sale, shall be labelled with labels indicating the nature and extent of the adulterant present (if any) in letters less than one-half of an inch in size. Absence of such a label will be taken to imply that the coffee so kept or exposed for sale is meant to be sold as pure coffee.

*No. T.* 322—*R. T.* 103-39-2, *dated Bangalore, 24th July* 1940.

In exercise of the powers conferred on them by Section 13 of the Mysore Road Traffic and Taxes Act, VI of 1935, the Government of His Highness the Maharaja of Mysore are pleased to direct that, until further orders, the weight of the gas equipment of motor vehicles propelled by charcoal gas shall not be taken into account in ascertaining the unladen weight of the vehicle for purposes of taxation.

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*Order No. P.* 543—*Legis.* 9-40-1, *Bangalore, dated 24th July* 1940.

Ordered that the accompanying Act further to amend the Mysore Coffee Cess Act, 1925, which received the assent of His Highness the Maharaja, on the 15th day of July 1940, be published as Act No. XXIV of 1940, in the *Mysore Gazette*, for general information.

H. V. NARAYANA RAO,
*Secretary to Government, Law Department.*

ACT No. XXIV OF 1940.

## THE MYSORE COFFEE CESS (AMENDMENT) ACT, 1940.

*Received the assent of His Highness the Maharaja, on the 15th day of July* 1940.

Whereas it is necessary to provide for the continuance of the Mysore Coffee Cess Act, 1925, for a further period of ten years and to amend the said Act accordingly;

It is hereby enacted as follows:—

Short title.

(1) This Act may be called the Mysore Coffee Cess (amendment) Act, 1940.

Addition of new section 80-A to Act I of 1908.

(2) In sub-section (*c*) of section 1 of the Mysore Coffee Cess Act, 1925, for the words "one

thousand nine hundred and forty," the words "one thousand nine hundred and fifty" shall be substituted.

MIRZA M. ISMAIL,
*Dewan.*

*No. P. 544—Legis. 10-40-1, dated, Bangalore, the 24th July 1940.*

Ordered that the accompanying Act further to amend the Mysore Registration Act, 1903, which received the assent of His Highness the Maharaja, on the 15th day of July 1940, be published as Act No. XXV of 1940, in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
*Secretary to Government,*
*Law Department.*

ACT No. XXV OF 1940.

## THE MYSORE REGISTRATION (AMENDMENT) ACT, 1940.

*(Received the assent of His Highness the Maharaja on the 15th July 1940.)*

WHEREAS it is expedient further to amend the Mysore Registration Act, 1903; It is hereby enacted as follows:—

1. This Act may be called the Mysore Registration (Amendment) Act, 1940. Short title.

2. After section 80 of the Mysore Registration Act, 1903, the following section shall be added as section 80-A, namely:— Amendment of section 1, Act XIII of 1925.

"80-A. Notwithstanding anything contained in this Act, no documents involving mutations shall be registered unless the proper mutation fees in accordance with the scale fixed by the Government under the Mysore Land Record of Rights Act, 1927, is paid at the time of presentation of such documents."

MIRZA M. ISMAIL,
*Dewan.*

*No. P.* 545—*Legis.* 11-40-1, *dated Bangalore, the* 24*th July* 1940.

Ordered that the accompanying Act further to amend the Mysore City Municipalities Act, 1933, which received the assent of His Highness the Maharaja, on the 15th day of July 1940, be published as Act No. XXVI of 1940, in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
*Secretary to Government,*
*Law Department.*

ACT No. XXVI OF 1940.

## THE MYSORE CITY MUNICIPALITIES AMENDMENT ACT, 1940.

(*Received the assent of His Highness the Maharaja on the 15th day of July 1940.*)

WHEREAS it is expedient further to amend the Mysore City Municipalities Act, 1933; It is hereby enacted as follows:—

(1) This Act may be called the Mysore City Municipalities (Amendment) Act, 1940.

(2) In Schedule II of the Mysore City Municipalities Act, 1933, for the figures and words, "0—0—1 per bundle of 100 leaves" occurring under the heading "Maximum rate" against the article "Betel-leaves," the figures and words, "0—0—2 per bundle of 100 leaves" shall be substituted.

MIRZA M. ISMAIL,
*Dewan.*

*No. P.* 550— *Legis.* 2-40-11, *dated Bangalore,* 24*th July* 1940.

The following Notifications of Government of India are hereby published for general information.

By Order,
H. V. NARAYANA RAO,
*Secretary to Government,*
*Law Department.*

## Department of Communications.

### NOTIFICATION.

*Dated Simla, the 9th July* 1940.

No. W28 (3)/39.—In exercise of the powers conferred by section 5 of the Indian Aircraft Act, 1934 (XXII of 1934), the Central Government is pleased to direct that the following further amendments shall be made in the Indian Aircraft Rules, 1937, namely :—

I. After rule 7 of the said Rules, the following rule shall be inserted, namely :—

"*7A. Prohibition of carriage of persons without passports.*

(1) No person in charge of any aircraft shall allow such aircraft to enter British India from a place outside India unless all persons on board the aircraft are in possession of valid passports as required by rules for the time being in force made under the Indian Passport Act, 1920 (XXXIV of 1920).

(2) Where an aircraft is brought into British India in contravention of sub-rule (1), any authority empowered by the Central Government, generally or specially, in this behalf may direct the owner or the person in charge of the aircraft to take on board and remove from British India, or otherwise arrange for the immediate removal from British India of the person or persons without valid passports, and the owner or as the case may be, the person in charge of the aircraft shall comply with such directions."

II. In Schedule VI appended to the said Rules, for the entries in the first and second columns relating to "14. *Prohibited Carriage.*", the following entries shall be substituted, namely :—

"14. *Prohibited Carriage.*—

A. *Passengers.*

(1) Carriage into British India of persons without valid passports. 7 A (1)

| | |
|---|---|
| (l) Failure to obey directions of empowered authority to transport out of British India persons who have been carried without valid passports. | 7 A (2) |

B. *Articles.*

| | |
|---|---|
| Unauthorised carriage on aircraft of certain articles. | 8 |

S. N. Roy,
Secretary to the Government
of India.

*No. P.* 619—*Legis.* 2-40-12, *dated Bangalore, the 27th July* 1940.

In exercise of the powers conferred by sub-rule (i) of Rule 114 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are pleased to direct that the following further amendments shall be made in the Enemy Property (Custody and Registration) Order, 1939, namely:—

In Paragraph 4 of the said Order—

I. In sub-paragraph (1), after the words "may take," the words, "or authorize the taking of," shall be inserted;

II. In sub-paragraph (2)—

(1) after the word "Custodian" the words, "or such person as may be specially authorised by him in this behalf," shall be inserted; and

(2) clauses (v) and (vi) shall be renumbered as clauses (vi) and (vii) respectively, and before clause (vi) as so renumbered, the following clause shall be inserted, namely:—"(v) raise on the security of the property such loans as may be necessary".

*No. T.* 391—*R. T.* 100-39-3, *dated Bangalore, the 29th July* 1940.

In exercise of the powers conferred upon them by Section 11 of the Mysore Motor Vehicles Act, XVI of 1928 as amended by Acts IV of 1931 and III of 1932, the Government of His Highness the Maharaja are pleased to introduce the following Form "B" in lieu of the existing form (on page 69 of the Motor Manual) for entry of particulars relating to registration and taxation of motor vehicles, the draft of which having been published with Notification No. T. 141—R. T. 100-39-2, dated 10th July 1940 at pages 241-42 in Part IV of the *Mysore Gazette*, dated the 11th July 1940.

By Order,

H. V. NARAYANA RAO,
*Secretary to Government,*
*Law Department.*

**Form "B."**

REGISTER OF MOTOR VEHICLES REGISTERED TOGETHER WITH ENTRIES FOR CHECKING THE PAYMENT OF TAXES.

(1) Number assigned.
(2) Full name of owner.
(3) Postal address of usual residence of owner.
(4) Name of maker and date of manufacture.
(5) Number stamped on—
(i) Engine, (ii) Chassis.
(6) Type of motor vehicle.
(7) Type of body of vehicle—
(i) Seating capacity, (ii) Carrying capacity.
(8) Horse power.
(9) Number of cylinders.
(10) Unladen weight of vehicle in cwts.
(11) Whether intended for—
(i) Private use, (ii) Public service.
(12) If the vehicle is a heavy motor vehicle—Axle weight of each axle, diameter of each wheel.

(13) Date of registration.

(14) Amount of fee paid ; challan number and date and name of treasury.

*Tax payments with license number.*

| | | *Year.* | *1st Qr.* | *2nd Qr.* | *3rd Qr.* | *4th Qr.* | Remarks |
|---|---|---|---|---|---|---|---|
| 1. | Transfer of Vehicle | | | | | | |
| 2. | Do | | | | | | |
| 3. | Do | | | | | | |
| 4. | Do | | | | | | |
| 5. | Do | | | | | | |
| 6. | Do | | | | | | |
| 1. | Change of address. | | | | | | |
| 2. | Do | | | | | | |

*Inspector-General of Police.*

*No. P.* 654—*Legis.* 2-40-13, *dated Bangalore, the* 29*th July* 1940.

In exercise of the powers conferred by sub-section (5) of Section 2 of the Defence of India Act, 1939, as applied to Mysore, the Government of His Highness the Maharaja are pleased to direct that the powers exercisable by them under Rule 56 of the Defence of India Rules, as applied to Mysore shall be exercised by the District Magistrate, Kolar District in the Bowringpet Taluk of the Kolar District.

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*No. Rl.* 170—*L. C.* 19-39-7, *dated Bangalore, the* 30*th July* 1940.

In exercise of the powers conferred by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja of Mysore are pleased to direct that the following amendments be made in Rule 35 of the Legislative Council rules, 1940, namely :—

Sub-clauses (ii) and (iii) of clauses (*a*) and (*b*) of Rule 35 shall be renumbered as sub-clauses (iii) and (iv),

respectively, and before sub-clause (iii) as so renumbered, the following sub-clause shall be added as sub-clause (ii)—

"(ii) is the superintendent or manager of any such estate owned by a person who is resident outside Mysore: or"

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*No. Rl.* 180—*R. A.* 39-39-2, *dated Bangalore, the* 30*th July* 1940.

In exercise of the powers conferred by the Government of Mysore Act, 1940, the Government of His Highness the Mahraja of Mysore are pleased to direct that the following amendments be made in Rule 48 of the Representative Assembly rules, 1940, namely:—

Sub-clauses (ii) and (iii) of clauses (*a*) and (*b*) of Rule 48 shall be renumbered as sub-clauses (iii) and (iv), respectively, and before sub-clause (iii) as so renumbered, the following sub-clause shall be added as sub-clause (ii)—

"(ii) is the superintendent or manager of any such estate owned by a person who is resident outside Mysore; or"

By Order,

H. V. NARAYANA RAO,
*Secretary to Government*
*Law Department.*

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Regd. No. M.—1175

160

# The Mysore Gazette

Vol. 75.] PUBLISHED BY AUTHORITY. [No. 32

BANGALORE, THURSDAY, AUGUST 22, 1940.

## PART IV.

### Legislative Measures and Rules thereunder.

### NOTIFICATIONS.

*No. P.* 1018—*Pol.* 234-39-2, *dated Bangalore,* *21st August* 1940.

In exercise of the powers conferred by Sections 12 and 22 of the Mysore Arms Act, VI of 1890, as amended from time to time, the Government of His Highness the Maharaja are pleased to direct that the following further amendments be made in the Mysore Arms Rules, 1926, namely :—

1. *Delete* the words "License for sport shall be granted under the Game Laws only" in sub-rule (1) of rule 13.

2. *Add* the following as rule 13-A of the Rules :—

"A license for the possession of arms and ammunition in reasonable quantities and for going armed for the purposes of sport may be granted in Form IX by the District Magistrate or by the District Forest Officer and if necessary in consultation with the District Magistrate."

3. In the description of the license in Form IX and in condition 3 attached to the said license insert the word "Sport" after the words "for the purposes of."

4. Insert the following as condition 9 attached to the license in Form IX :—

"Where the license is granted for the purposes of sport, the licensee or any retainer acting under

the license shall observe such close season as may be prescribed by the Government in respect of the game-birds and animals hereinafter set forth below."

5. *Add* the following as instruction 3 at the end of the form of Application, Schedule V of the Arms Rules :—

"Application for a license for going armed for the purposes of sport may be presented either to the District Magistrate or to the District Forest Officer."

By Order,

B. T. KESAVIENGAR,
*Chief Secretary to Government.*

*No. Fl.* 1037—*Ex.* 12-39-54, *dated Bangalore 21st August* 1940.

In exercise of the powers conferred by Section 17 of the Mysore Matches (Excise Duty) Act, 1934, the Government of His Highness the Maharaja of Mysore are pleased to direct that the following amendments shall be made in the Matches (Excise Duty) Rules, 1934, namely :—

To Condition IV of Form C of the Forms appended to the said Rules, the following shall be added, namely :—

"and, in the case of Veneers Manufacture Account, also in grosses and dozens."

By Order,

C. E. NORONHA,
*Secretary to Government,*
*Development Department.*

*No. P.* 819—*Legis.* 2-40-14, *dated Bangalore 2nd August* 1940.

The following Act of the Indian Legislature is hereby republished for general information.

By Order,

H. V. NARAYANA RAO,
*Secretary to Government,*
*Law Department.*

## GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

The following Act of the Indian Legislature received the assent of the Governor-General on the 10th April 1940, and is hereby promulgated for general information :—

### ACT No. XIX OF 1940.

**An Act to amend the Defence of India Act, 1939.**

Whereas it is expedient to amend the Defence of India Act, 1939, for the purposes hereinafter appearing; XXXV of 1939

It is hereby enacted as follows :—

1. This Act may be called the Defence of India (Amendment) Act, 1940. Short title.

2. In section 2 of the Defence of India Act, 1939 (hereinafter referred to as the said Act) XXXV of 1939 Amendment of section 2, Act XXXV of 1939.

(*a*) in clause (v) of sub-section (2), after the words "with foreign powers," the words "or with States in India, or to prejudice the maintenance of peaceful conditions in the tribal areas," shall be inserted;

(*b*) in sub-section (5), after the words "not being" the brackets and words "(except in the case of a Chief Commissioner's Province)" shall be inserted.

3. In section 18 of the said Act, after the word "from", in both places where it occurs, the words "or in respect of" shall be inserted. Amendment of section 18, Act XXXV of 1939.

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*No. Rl.* 203—*R. A.* 2-40-6, *dated Bangalore, 3rd August* 1940.

In exercise of the powers vested in them by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja are pleased to direct that the following rule be inserted as "Rule 72 A" of the Representative Assembly Rules, 1940 :—

"Notwithstanding anything contained in sub-rule (2) of rule 72, any person whose name is not included in any electoral roll published on the 7th of June 1940 or the 14th of June 1940 or is entered in an incorrect place or manner or with incorrect particulars or any person whose name is entered in such roll and who objects to

the inclusion of his own name or the name of any other person in the roll may prefer a claim or objection in writing to the Registration Officer not later than 3 o'clock in the afternoon of the 1st October 1940, and any claim or objection received after that time shall not be entertained by the Registration Officer."

*Explanation.*—A person shall be qualified to be included in the electoral roll if he has acquired before the 1st of October 1940 the qualifications specified in these rules for such inclusion.

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*No. Rl.* 204—*L. C.* 1-40-2, *dated Bangalore, 3rd August* 1940.

In exercise of the powers vested in them by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja are pleased to direct that the following rule be inserted as "Rule 52 A" of the Legislative Council Rules, 1940:—

"Notwithstanding anything contained in sub-rule (2) of rule 52, any person whose name is not included in any electoral roll published on the 7th of June 1940 or the 14th of June 1940 or is entered in an incorrect place or manner or with incorrect particulars or any person whose name is entered in such roll and who objects to the inclusion of his own name or the name of any other person in the roll may prefer a claim or objection in writing to the Registration Officer not later than 3 o'clock in the afternoon of the 1st October 1940, and any claim or objection received after that time shall not be entertained by the Registration Officer."

*Explanation.*—A person shall be qualified to be included in the electoral roll if he has acquired before the 1st October 1940 the qualifications specified in these rules for such inclusion.

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*No. L.* 1278—*Ml.* 145-39-22, *dated Bangalore, the 6th August* 1940.

Under Section 228 of the Mysore City Municipalities Act, 1933, as amended from time to time and the rules framed thereunder, the following amendments to the revised rules regulating the supply of water in Bangalore City

issued with Notification No. L. 2153—Ml. 105-34-9, dated 26th August 1939, are sanctioned and published for the information of the public :—

I. Rule 51 will be modified as follows :—

"Any consumer who, during the period to which the meter reading relates, has used water in excess of the free allowance shall pay for such excess at the rate of rupee one per 1,000 gallons. Fractions of 1,000 gallons shall not be recorded on meter cards but will be carried forward for the next reading."

II. Rule 53 will be modified as hereunder :—

"The excess water charges, meter rent and other charges due under these rules shall be paid within fifteen days from the date of the bill at the office of the authorised officer, on bills which shall be sent to the party within five days from the date of meter reading."

"If bills are not received within five days from the date of reading, the party may obtain duplicate bills from the supply office to enable him to make payment within the due date.

"Non-receipt of bills shall not be accepted as an excuse for delay in payment. Payments should invariably be made in cash, money orders or postal orders, but cheques for amounts not less than rupee one drawn on local banks, such as the Imperial Bank of India, the Mysore Bank, Co-operative Banks and Societies shall be accepted in payment of the dues."

Disconnection and reconnection of service.

"On failure of payment, within the due date, the department reserves the right to cut off water supply to the premises and connection will be restored only on receipt of the amount along with a penalty of rupee one in such cases.

"This penalty will not be charged if disconnection is made at the request of the consumer, subject to the condition that all the dues up to the date of disconnection are paid up on or before the due date.

"Disconnection may not generally be made when the arrears due from any installation is less than rupee one, provided such arrears are paid up before the next quarterly bill is preferred.

"As mistakes are likely to occur in crediting the receipt to the proper ledger account and giving room for disconnection of service in such cases, notwithstanding

such payments being made by the concerned parties, the consumers are advised to produce receipts for payments, or alternatively, postal money order receipts or counter-foils of cheques when asked for by the officials of the department who have been directed to effect disconnection of service, in cases of default in payment.

"No disconnection shall be made without first asking for the voucher in support of the payments made."

III. The following will be inserted as Rule 63-A:—

"In cases where wastage of water is due to leaky pipes, the party may be charged at a concessional rate of eight annas per 1.000 gallons for such loss, the quantity being calculated as the difference between the actual consumption and the average consumption of the previous six months or the free allowance, the premises are entitled to, whichever is greater."

IV. The undermentioned clause will be added as clause (1) under Rule 64 :—

"In case the occupier of the premises does not give proper protection to meter readers from any injury being caused by animals such as dogs, etc."

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*No. T.* 518—*R. T.* 3-39-33, *dated Bangalore, the 20th August* 1940.

The following draft amendment to Rule 12-C of the Mysore Motor Vehicles Rules, 1924, issued with Notification No. P. 3015—Legis. 21-22-10, dated 12th December 1924, as amended from time to time, is hereby published for the information of persons likely to be affected thereby and any suggestion or objection in respect of the said draft received on or before 15th September 1940 will be considered by Government.

DRAFT AMENDMENT.

(1) *Add* the following as Rule 12-C (ii) (*c*) to the aforesaid rules :—

"The Application and Declaration relating to cancellation of registration of motor vehicles shall be in the Form AA annexed to these Rules."

(2) *Add* the following as Form AA after Form A annexed to the above rule at page 68 of the Mysore Motor Manual:—

"Form AA, Application for the cancellation of the registration of Motor Vehicle—

1. Name of registered owner.
2. Address.
3. Register No. of the vehicle whose registration is sought to be cancelled.
4. Type of body of vehicle.
5. Reasons put forward for cancellation of registration.
6. Is the registration certificate and current tax license, if any, taken out, surrendered; if not, the reasons therefor.

(The only reason acceptable is that the vehicle is permanently unusable and will not be used any longer. The declaration below has to be signed to that effect.)

DECLARATION.

I hereby declare that the vehicle has become permanently unusable and will not be used any longer.

Place .. .....

Date... ..... ....

Signature of registered owner."

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*No. P.* 998—*Legis.* 2-40-16, *dated Bangalore, the 20th August* 1940.

The following Notifications of the Government of India, Defence Co-ordination Department, are hereby republished for general information.

By Order,

H. V. NARAYANA RAO,

*Secretary to Government,*

*Law Department.*

GOVERNMENT OF INDIA.

**DEFENCE CO-ORDINATION DEPARTMENT.**

NOTIFICATION.

*Simla, the 25th July* 1940.

No. 494-*OR*/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

To sub-rule (1) of rule 90 of the said Rules, the following words and figures shall be added, namely :—

"and includes Government of India one rupee notes issued under the Currency Ordinance, 1940."

A. de C. Williams,
Secretary to the Government of India.

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GOVERNMENT OF INDIA.

**DEFENCE CO-ORDINATION DEPARTMENT.**

NOTIFICATION.

*Simla, the 27th July* 1940.

*No.* 498-*OR*/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

To clause (2) of rule 103 of the said Rules, the following proviso shall be added, namely :—

"Provided that in relation to subjects of a State which became, or becomes, a State at War with His Majesty later than the 3rd September 1939 in the above definition shall be read as referring to the date immediately preceding the date on which the said State became or becomes, a State at War with His Majesty."

A. de C. Williams,
Secretary to the Government of India.

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Regd. No. M.—1175 168

# The Mysore Gazette

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BANGALORE, THURSDAY, SEPTEMBER 12, 1940.

## PART IV.

### Legislative Measures and Rules thereunder.

### NOTIFICATIONS.

*No. P.* 1491—*Legis.* 2-40-20, *dated Bangalore, the* 11*th September* 1940.

In exercise of the powers conferred by rule 7 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are pleased to make the following additions to Notification No. P. 7551—Legis. 29-39-8, dated 28th May 1940, published on page 523, Part III-1 of the *Mysore Gazette*, dated 30th May 1940, namely :—

| Serial Number | Name of protected place | Locality |
|---|---|---|
| 19 | Petrol and Oil Storage Depot ... | Bowringpet. |

Under sub-section (5) of section 2 of the Defence of India Act, 1939, as applied to Mysore (Act No. XXVI of 1939), they are further pleased to make the following additions to Notification No. P. 7552—Legis. 29-39-9, dated 28th May 1940, namely :—

| Serial Number | Name of protected place | Officer empowered to exercise |
|---|---|---|
| 19 | Petrol and Oil Storage Depot at Bowringpet. | District Superintendent of Police, Kolar Gold Fields. |

By Order,

B. T. KESAVIENGAR,

*Chief Secretary to Government.*

*No. P.* 1485—*Legis.* 37-39-27, *dated Bangalore, the* 11*th September* 1940.

In exercise of the powers conferred by sub-section (1) of section 1 of the Mysore Moneylenders Act, 1939, the Government of His Highness the Maharaja are pleased to exempt the Vysya Mercantile Company, Ltd., Closepet, and all its Branches from the provisions of Chapters II and III of the said Act.

By Order,

H. V. NARAYANA RAO,

*Secretary to Government, Law Department.*

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Regd. No. M.—1175

1940

# The Mysore Gazette

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BANGALORE, THURSDAY, SEPTEMBER 19, 1940.

## PART IV.

### Legislative Measures and Rules thereunder.

### NOTIFICATIONS.

*No. A. F.* 1455—*P. & T.* 5-40-4, *dated Bangalore, the* 13*th September* 1940.

In exercise of the powers vested in them under Section 13 (2) (iii) of the Mysore Wireless Telegraph Act IV of 1937, the Government of His Highness the Maharaja of Mysore are pleased to revise the form of the Broadcast Receiver License (Form IV) issued under Rule 5 of the Rules under the aforesaid Act.

### FORM IV.

FORM OF BROADCAST RECEIVER LICENSE.

(*The conditions are printed at the foot of* (*Regd. No. of the Form*).

Act for Regulation of Wireless Telegraphy in Mysore (Act IV of 1937) (License to establish a Wirless Receiving Station).

Mr.... .... ..... (Name in full) of.....
.....(address in full) is hereby authorised (subject in all respects to the conditions set forth on the back hereof) to erect and work a wireless station for the purpose of receiving messages in the premises known as

(Location of Station).

This license expires on the last day of the month of.....1940. The payment of the license fee of Rs. 10 is hereby acknowledged.

Issued on behalf of the
Government of His Highness the
Maharaja of Mysore.

*Director of Industries and Commerce.*

BANGALORE,

*Dated.... .....1940.*

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(To be printed at the back of the form).

**Conditions.**

1. This license permits the use of wireless receiving Apparatus for private and domestic purposes only and the licensee shall not permit the station to be used for any purpose other than that of receiving messages sent for general reception.

2. The station shall not be used in such a manner as to cause interference with the working of other stations. In particular, reaction must not be used to such an extent as to energise any neighbouring aerial.

3. An aerial which crosses over or is liable to fall or to be blown upon any Telegraph or Telephone line or overhead power wire (including electric lighting and tramway wires) must be guarded to the reasonable satisfaction of the owner of the power line or lines concerned so as to prevent any damage being done in the event of a break occurring.

4. The station shall be open to inspection at all reasonable times by any officer duly authorised by the

Government of His Highness the Maharaja of Mysore in this behalf. At the request of such authorised officer this license shall be produced for inspection.

5. The license may be cancelled by the officer authorised in this behalf of the Government of His Highness the Maharaja of Mysore at any time either by specific notice in writing sent by registered post to the licensee at the address shown herein or by means of a notice, published in the *Mysore Gazette* addressed to all holders of wireless receiving licenses. In the event of cancellation, no part of the fee will be returned.

6. Any change of address must be properly communicated to the issuing Authority appointed by Government in this behalf and the license returned in order that the necessary amendments may be made thereon.

7. The location of the station may be altered temporarily at the discretion of the licensee, but if it is intended that the station shall leave the original location for a period exceeding 3 months at any one time the licensee must inform the Issuing Authority appointed by Government in this behalf and return this license for endorsement.

8. If it is desired to continue to maintain the station after the date of expiry this license must be renewed within fourteen days of the date of expiry of the license. Heavy penalties are prescribed by the Mysore Wireless Telegraphy Act IV of 1937, on conviction of the offence of establishing, maintaining, or working a wireless station without a license. The possession of wireless apparatus without a license is also an offence under the Act for the Regulation of Wireless Telegraphy in Mysore, 1937.

9. The licensee or the members of his household may use more than one receiving set at the licensed address without additional license.

10. This license is not transferable but in the event of the decease of the licensee it will be regarded during the unexpired portion of its currency as covering the use of wireless apparatus at the address of the licensed station by any member of the deceased's household.

11. The licensee shall not divulge or allow to be divulged to any person (other than of the duly authorised officer of the Government of His Highness the Maharaja of Mysore or a competent legal tribunal) or make any use whatsoever of any message received by means of the

licensed station other than time signals musical or other programme and messages transmitted for general reception.

12. Notwithstanding anything contained in clause 10 the licensee or any other person either on behalf of by permission of the licensee or with the cognizance of the licensee shall not reproduce or publish in the press or disseminate by other similar means, messages sent for general reception by any station and received by means of the station.

13. The license does not authorise the licensee to do any act which is—

(*a*) an infringement of any copyright which may exist in the matter received by the station; or

(*b*) contrary to any rules made by a competent authority regulating musical or other performance or noises in the area in which the wireless station is established.

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*No. A. F.* 1467—*J. S.* 4-40-4, *dated Bangalore, the* 14*th September* 1940.

In exercise of the powers vested in them under Section 144 (2) of the Mysore Companies Act, XVIII of 1938, the Government of His Highness the Maharaja of Mysore are pleased to publish for general information the following draft of an amendment to Rule 3 of the Rules for the grant of auditors' certificates.

Any suggestions for additions to or alterations or omissions in the proposed amendment by persons or bodies likely to be affected by it may be forwarded in writing to the Secretary to Government, Development Department, within two months from the date of publication of this Notification in the *Mysore Gazette*.

Any suggestions received after the due date will not receive consideration.

*Add* the following as Rule 3 (*c*) to the Rules and renumber the existing Rule 3 (*c*) as 3 (*d*) :—

The applicant shall also produce with his application evidence to the satisfaction of the Registrar of Joint

Stock Companies in Mysore that he is competent to audit the accounts in the languages stated in his application.

*Explanation.*—A pass in a University Examination, or a certificate by a Gazetted Officer or a Chamber of Commerce or evidence of having audited accounts in a language for a long number of years will be deemed to be satisfactory evidence for the purpose of this rule.

By Order,

C. E. NORONHA,

*Secretary to Government,*
*Development Department.*

*No. T.* 756—*R. T.* 107-39-2, *dated Bangalore, the* 16*th September* 1940.

In exercise of the powers conferred on them by Sections 8 and 13 of the Mysore Road Traffic and Taxes Act, VI of 1935, as amended by Act IX of 1936, the Government of His Highness the Maharaja are pleased to direct the levy of tax on an Agricultural Fordson Tractor as detailed hereunder:—

(i) Agricultural Tractors with pneumatic or steel tyres if used wholly on estates are exempted from payment of tax.

(ii) When Tractors fitted with pneumatic tyres on all wheels are used on roads merely for passing from one part of the estate to another or from one estate to another, the tax as on agricultural lorry shall be levied. Such Tractor will be allowed to pull a plough or a harrow behind it without additional tax.

(iii) If the Tractors are used on roads for pulling trailers containing goods, Road Tax shall be levied according to Schedule II-B as on a motor lorry with trailers.

(iv) When Agricultural Tractors fitted with steel tyres which are not of a damaging nature and certified as such by the Executive Engineer, are used on roads, a higher rate of Road Tax as on other vehicles shall be levied on such vehicles according to Schedule II-B—

Tractors fitted with steel tyres with spuds or vanes shall not be allowed to run on public roads in Mysore State.

By Order,

H. V. NARAYANA RAO,
*Secretary to Government,*
*Law Department.*

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175.

# The Mysore Gazette

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BANGALORE, THURSDAY, OCTOBER 17, 1940.

## PART IV.

### Legislative Measures and Rules thereunder.

### NOTIFICATIONS.

*No. P.* 1898—*Pol.* 57-40-2, *dated Bangalore, the 7th October* 1940.

In exercise of the powers conferred by the Mysore Arms Act, 1890, the Government of His Highness the Maharaja of Mysore are pleased to direct that the following shall be substituted for item 2 (*a*) in the first column of Schedule III to the Mysore Arms Rules, 1926, namely:—

"2 (*a*) Any regular soldier of the British Army and any Warrant Officer, Non-Commissioned Officer or Soldier in the Auxiliary Force in India and in the Mysore State Troops."

By Order,

B. T. KESAVIENGAR,

*Chief Secretary to Government.*

*No. T. 963—R. T. 3-39-40, dated Bangalore, the 3rd October 1940.*

In exercise of the powers conferred on them by Section 11 of the Mysore Motor Vehicles Act, 1928, the Government of His Highness the Maharaja are pleased to issue the following amendment to Rule 16 (i) of the Mysore Motor Vehicles Rules, 1929, issued with Notification No. P. 3015—Legis. 21-22-10, dated 12th December 1924, as amended from time to time, the draft amendment in the said behalf having already been issued with Notification No. T. 613—R. T. 3-39-35, dated 27th August 1940 and published at page 304, Part IV of the *Mysore Gazette*, dated 29th August 1940 :—

**Amendment.**

At the end of Rule 16(i) of the aforesaid Rules (*vide* page 51 of the Mysore Motor Manual), remove the full stop and add the following words :—

"in Form D".

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*No. T. 966—R. T. 3-39-39, dated Bangalore, the 4th October 1940.*

In exercise of the powers conferred on them by Section 11 of the Mysore Motor Vehicles Act, 1928, the Government of His Highness the Maharaja are pleased to issue the following amendment to the Mysore Motor Vehicles Rules, 1924, as amended from time to time, the draft in the said behalf having already been issued with Notification No. T. 518-R. T. 3-39-33, dated 20th August 1940 and published at page 296, Part IV of the *Mysore Gazette*, dated 22nd August 1940.

**Amendment.**

(1) Add the following as Rule 12-C (ii) to the aforesaid rules :—

"The Application and Declaration relating to cancellation of registration of motor vehicles shall be in the Form AA annexed to these Rules."

Motor vehicles act 1929
Rules (amend)



(2) Add the following as Form AA after Form A annexed to the above rule at page 68 of the Mysore Motor Manual :—

"Form AA, Application for the cancellation of the registration of Motor Vehicles—

(1) Name of registered owner.

(2) Address.

(3) Register No. of the vehicle whose registration is sought to be cancelled.

(4) Type of body of vehicle.

(5) Reasons put forward for cancellation of registration.

(6) Is the registration certificate and current tax licence, if any, taken out, surrendered, if not the reasons therefor.

(The only reason acceptable is that the vehicle is permanently unusable and will not be used any longer. The declaration below has to be signed to that effect).

**Declaration.**

I hereby declare that the vehicle has become permanently unusable and will not be used any longer.

*Place*.....

*Date*.....

*Signature of Registered Owner.*

By Order,

H. V. NARAYANA RAO,
*Secretary to Government,*
*Law Department.*

Printed by the Superintendent at the Government Press, Bangalore.

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179

# The Mysore Gazette

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BANGALORE, THURSDAY, OCTOBER 24, 1940.

## PART IV.

### Legislative Measures and Rules thereunder.

### NOTIFICATIONS.

*No. P.* 2009—*Legis.* 2-40-24, *dated Bangalore, the* 22*nd October* 1940.

In exercise of the powers conferred by sub-rule (1) of rule 58 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are pleased to prohibit the performance within Mysore of any exercise, movement, evolution or drill of a military nature with or without arms or articles capable of being used as arms :

Provided that the prohibition hereinbefore imposed shall not apply to the performance of any such exercise, movement, evolution or drill —

(1) by members of His Majesty's Military or Air Forces or of the Forces of His Highness the Maharaja or of an official police force or of any force constituted under any law for the time being in force in the exercise of their duty as such ;

(2) by members of the association commonly known as the Boy Scouts Association in India or of the association commonly known as the Girl Guides Association in India in their capacity as such;

(3) by members, in their capacity as such, of the organisation known as the St. John's Ambulance Brigade, or of any other organisation specified in an order in writing by Government; or

(4) within the precincts or premises of any Government or Municipal school, or of any school or college in receipt of grants from Government or from a municipality, or of any school or college recognised by Government in this behalf, by persons whose participation in such exercise, movement, evolution or drill is part of the ordinary curriculum of such school or college.

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*No. P.* 2010—*Legis.* 2-40-25, *dated Bangalore, the 22nd October* 1940.

Whereas the Government of His Highness the Maharaja are satisfied that the wearing in public of any dress resembling a uniform required to be worn by a member of His Majesty's Forces or of the Forces of His Highness the Maharaja or by a member of any official police force or of any force constituted under any law for the time being in force is likely to prejudice the public safety, the maintenance of public order and the defence of British India and Mysore;

Now, therefore, in exercise of the powers conferred by sub-rule (1) of rule 59 of the Defence of India Rules, as applied to Mysore, the Government are pleased to prohibit the wearing in public in Mysore of any such dress by any person who is not a member of the said forces or a member of an association which has been authorised by the Central Government or by Government, to wear a specified uniform.

By Order,

B. T. KESAVIENGAR,

*Chief Secretary to Government.*

*No. P.* 39—*Legis.* 2-40-23, *dated Bangalore, the* 16*th October* 1940.

The following Notifications of the Government of India, Defence Co-ordination Department, are hereby republished for general information.

By Order,

H. V. NARAYANA RAO,

*Secretary to Government,*

*Law Department.*

## DEFENCE CO-ORDINATION DEPARTMENT.

### NOTIFICATION.

*Simla, the* 14*th September* 1940.

No. 556-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendments shall be made in the Defence of India Rules, namely :—

In rule 104 of the said Rules—

1. In the marginal heading, after the words "enemy firms" the words "and purchase of enemy currency" shall be inserted.

2. In sub-rule (1), clause (i) shall be omitted and clause (j) shall be re-lettered as clause (i).

3. In sub-rule (2), for the word, letter and brackets "clause (f)", the word, letter and brackets "clause (e)" shall be substituted.

4. After sub-rule (2), the following sub-rule shall be inserted, namely :—

"(2-A) No person shall, directly or indirectly, purchase enemy currency".

A. deC. Williams,

Secretary to the Government of India.

## DEFENCE CO-ORDINATION DEPARTMENT.

### NOTIFICATION.

*Simla, the 14th September* 1940.

No. 496-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely:—

In sub-rule (1) of rule 88 of the said rules, the words "in any port, aerodrome or railway station, or in or from any vessel, aircraft or railway train," shall be omitted.

A. deC. Williams,
Secretary to the Government of India.

## DEFENCE CO-ORDINATION DEPARTMENT.

### NOTIFICATION.

*Simla, the 28th September* 1940.

No. 262-OR/39.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely:—

After rule 88 of the said rules, the following rule shall be inserted, namely:—

Vehicles belonging to the Central Government.

88-A. (1) If it appears to the Central Government to be necessary or expedient so to do for securing the defence of British India or the efficient prosecution of war, the Central Government may by notified order declare that nothing in any restriction imposed by or under any law for the time being in force shall apply to, or to the driver or person in charge of, any vehicle or class of vehicles which is the property of the Central

Government in the Defence Department or which is otherwise in the service of His Majesty for purposes of defence.

(2) When a declaration has been made under sub-rule (1), the Central Government may by order make such provision as appears to it to be required in the interests of safety for regulating the use of the vehicle or class of vehicles to which, or the qualifications or conduct of the driver or person in charge to whom, the declaration applies."

A. deC. Williams,
Secretary to the Government of India.

## DEFENCE CO-ORDINATION DEPARTMENT.

### NOTIFICATION.

*Simla, the 21st September* 1940.

No. 558-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

For sub-rule (1) of rule 51 of the said rules, the following sub-rule shall be substituted, namely :—

"(1) The Central Government or the Provincial Government may, with a view to protecting the general public or any members thereof against the dangers involved in any apprehended attack by land, sea or air, or with a view to acquainting the general public or any members thereof with the action to be taken in such an emergency, by order specify the action to be taken by any person or authority on such occasions as may be specified."

A. deC. Williams,
Secretary to the Government of India.

## DEFENCE CO-ORDINATION DEPARTMENT.

### NOTIFICATION.

*Simla, the 21st September* 1940.

No. 532-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendments shall be made in the Defence of India Rules, namely :—

In the said Rules—

(1) after sub-rule (2) of rule 66, the following sub-rule shall be inserted, namely :—

"(2*a*) The Central Government may by order require the owner, or the person having the management, of any vessel registered in British India to furnish to such authority as may be specified in the order such information in his possession relating to the vessel or to things, on board the vessel (being information which may reasonably be required of him in connexion with the execution of this rule) as may be so specified ".

(2) after sub-rule (3) of rule 72, the following sub-rule shall be inserted, namely :—

" (3) The Central Government may by order require the owner, or the person having the management of, any such aircraft or thing as is referred to in sub-rule (1) to furnish to such authority as may be specified in the order such information in his possession relating to the said aircraft or thing (being information which may reasonably be required of him in connexion with the execution of this rule) as may be so specified."

(3) after sub-rule (2) of rule 76, the following sub-rule shall be inserted, namely :—

"(2*a*) The Central Government or the Provincial Government may by order—

(*a*) require the owner or occupier of any building, part of a building, or other premises to furnish to such authority as may be specified in the order such information in his

possession relating to the building, part of a building, or other premises, or to any fixtures, fittings, furniture or other things therein (being information which may reasonably be required of him in connection with the execution of this rule) as may be so specified;

(*b*) direct that such owner or occupier shall not, without the permission of the Central Government or the Provincial Government, as the case may be, dispose of such building, part of a building or other premises, or of any fixtures, fittings, furniture or other things therein, till the expiry of such period as may be specified in the order."

(4) for sub-rule (3) of rule 79, the following sub-rule shall be substituted, namely :—

"(3) The Central Government may by order—

(*a*) require the owner or the occupier of any land to furnish to such authority as may be specified in the order such information in his possession relating to the land (being information which may reasonably be required of him in connexion with the execution of this rule) as may be so specified;

(*b*) direct that the owner or occupier of any land shall not without the permission of the Central Government dispose of the land or of any interest therein till the expiry of such period as may be specified in the order.

(5) after sub-rule (3) of rule 83, the following sub-rule shall be inserted, namely :—

"(3*a*) The Central Government may, with a view to the requisitioning of any animal, product, article or thing, or the determining of the price of any animal, product, article or thing which has been requisitioned, by order—

(*a*) require any person to furnish to such authority as may be specified in the order

such information in his possession relating to the animal, product, article or thing as may be so specified;

(*b*) direct that the owner, or person in possession, of the animal, product, article or thing shall not, without the permission of the Central Government, dispose of it till the expiry of such period, as may be specified in the order."

(6) after rule 117, the following rule shall be inserted, namely :—

"Power to require production of books, etc.

117-A. (1) Where any person is required by or under any of these Rules to make any statement or furnish any information to any authority, that authority may by order, with a view to verifying the statement made or the information furnished by such person, further require him to produce any books, accounts or other documents relating thereto which may be in his possession or under his control.

(2) If any person fails to produce any books, accounts or other documents in compliance with an order made under sub-rule (1), he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine."

A. deC. Williams,
Secretary to the Government of India.

## DEFENCE CO-ORDINATION DEPARTMENT.

### NOTIFICATION.

*Simla, the 21st Septeniber* 1940.

No. 570-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to

direct that the following further amendment shall be made in the Defence of India Rules, namely :—

In rule 81 of the said rules, after clause (*a*) of sub-rule (2), the following clause shall be inserted, namely :—

"(*aa*) for controlling the rates at which any vessel registered in British India may be hired and the rates at which persons or goods may be carried in or on any such vessel."

A. deC. Williams,
Secretary to the Government of India.

## DEFENCE CO-ORDINATION DEPARTMENT.

### NOTIFICATION.

*Simla, the 21st September* 1940.

No. 569-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

In rule 113-A of the said Rules—

1. In clause (*a*) of sub-rule (2), after the words "agent of the firm" the following words shall be inserted namely :—

"and, subject only to such restrictions as the Central Government may impose, shall have in relation to the management of the affairs of the firm all such powers and authority as the firm itself would have if it were not an enemy firm."

2. After sub-rule (3), the following sub-rule shall be added, namely :—

"(4) The provisions of this rule shall apply also in relation to a body of persons, whether incorporate or unincorporate, which is an enemy as defined in rule 97 and which is or at any

time subsequent to the 2nd September 1939 was, carrying on business in British India, as they apply in relation to an enemy firm."

A. deC. Williams,
Secretary to the Government of India.

*No. Rl.* 654—*L. C.* 4-40-1, *Camp Mysore, dated* 19*th October* 1940.

In pursuance of the rule 65 of the Legislative Council Rules, 1940, and for the purpose of constituting the Legislative Council under the Government of Mysore Act, 1940, the Government of His Highness the Maharaja are hereby pleased—

(*a*) to call upon all constituencies of the Legislative Council to elect members in accordance with the said rules before the 15th February 1941, and

(*b*) to appoint the following dates for the several stages of the election :—

| | | |
|---|---|---|
| 1. | Presentation of notices of candidature. | Friday, 3rd January 1941, (before 3 P.M.) |
| 2. | Scrutiny of notices of candidature. | Friday, 10th January 1941. |
| 3. | Withdrawal of notices of candidature. | Saturday, 11th January 1941, (before 3 P.M.) |
| 4. | Publication of lists of candidates with symbols, if any, in the office of the Returning Officer and in the Gazette. | Thursday, 16th January 1941. |
| 5. | Poll in all territorial constituencies. | Saturday, 8th February 1941. |
| 6. | Poll in women's constituencies and labour constituencies. | Sunday, 9th February 1941. |
| 7. | Poll in all other constituencies. | Monday, 10th February 1941. |

*No. Rl.* 671—*R. A.* 17-40-1, *dated Camp Mysore, the* 19*th October* 1940.

In pursuance of rule 85 of the Representative Assembly Rules, 1940, and for the purpose of constituting the Representative Assembly under the Government of Mysore

Regd. No. M.—1175 189

# The Mysore Gazette

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BANGALORE, THURSDAY, NOVEMBER 28, 1940.

## PART IV.

### Legislative Measures and Rules thereunder.

### NOTIFICATIONS.

*No. P.* 2777—*Legis.* 2-40-41, *dated Bangalore, the 26th November* 1940.

In exercise of the powers conferred by sub-rule (2) of Rule 92 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja hereby order every person who owns any balance or balances, whether held in Mysore or abroad, expressed in the currency of the United States of America, to offer or cause to be offered, before the expiration of one month from the date of this order, such balance or balances for sale to the Reserve Bank of India on behalf of the Central Government at any of the offices of the said Bank at Bombay, Calcutta, Madras, Karachi and Delhi against payment of the equivalent value in rupees calculated on a basis, which, in the opinion of the Reserve Bank of India, represents the current buying rate for telegraphic transfers on the United States of America:

Provided that this order shall not apply to dealers in foreign exchange and cotton dealers authorised by the

Reserve Bank of India in this behalf and to persons not being subjects of His Highness the Maharaja, His Majesty the King Emperor or of an Indian State, who, in the opinion of the Reserve Bank of India are residents in Mysore for purposes of business only.

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*No. R.* 3604—*L. R.* 327-40-6, *dated Bangalore, the 22nd November* 1940.

Under Section 233 of the Land Revenue Code and in pursuance of the orders issued in Government Order No. Camp R. 87-96—L. R. 349-39, dated 12th October 1940, the Government of His Highness the Maharaja are pleased to direct that Rule 43(1), Note to Rule 43, and Appendix P of the Land Revenue Rules be amended as follows:—

(1) The following shall be substituted for the existing Rule 43 (1):—

"All lands shall be sold by public auction after observing the prescribed formalities. But subject to the following limits as regards the extent and the value of the lands, the Sub-Division Officers, Deputy Commissioners and the Revenue Commissioner may, in special cases, grant an occupancy at an upset price to any *bona fide* applicant who is an agriculturist or proposes to cultivate the land himself, when they are satisfied that, in the event of a public auction being held, advantage may be taken of the needs of the applicant to force up the price:—

Sub-Division Officers up to four acres, the value not exceeding Rs. 100;

Deputy Commissioner up to 20 acres, the value not exceeding Rs. 400; and

Revenue Commissioner up to 50 acres, the value not exceeding Rs. 1,000.

In cases exceeding the above limits, the sanction of Government shall be necessary for the grant of lands at an upset price. These concessions are not to be shown to absentees and to people speculating in lands."

(2) For the Note to Rule 43 of the Land Revenue Rules, the following shall be substituted:—

"Amildars are empowered to sanction, either free or for upset price to landless members of the depressed classes, two acres of cultivable dry land, though the entire extent including the phut kharab when phoded may be in excess of two acres, provided the value of the land does not exceed Rs. 25. The Sub-Division Officers may, similarly, grant lands not exceeding four acres in extent to landless members of the depressed classes provided the value does not exceed Rs. 50."

(3) In paragraph 1 of Appendix P of the Land Revenue Rules, '100' shall be substituted for '50' wherever it occurs.

By Order,
B. T. KESAVIENGAR,
*Chief Secretary to Government.*

*No. G.* 4521—*P. H.* 144-39-2, *dated Bangalore, the 22nd November* 1940.

The Government of His Highness the Maharaja of Mysore are pleased to publish, for the information of the public, the following rules framed under Section 15 of Act VIII of 1936 for the suppression of brothels and immoral traffic in the Mysore State.

By Order,
C. E. NORONHA,
*Secretary to Government, Development Department.*

# RULES UNDER THE SUPPRESSION OF BROTHELS AND IMMORAL TRAFFIC ACT IN MYSORE STATE

**(Framed under Section 15 of Act VIII of 1936.)**

Rules to come into force from December 1, 1940.

1. (1) These Rules may be called "The Mysore Suppression of Brothels and Immoral Traffic Rules, 1940."

(2) They shall come into force on the 1st day of December 1940.

Medical Examination of girls on admission into the rescue home.

2. On the admission of a girl into a rescue home or other place of custody under the provisions of sections 7 and 8, the superintendent of the rescue home* or the person in charge of the place of custody shall take the girl to the nearest hospital for women and children for examination. If there is no such hospital within a reasonable distance, the medical examination of the girl shall be conducted by the nearest qualified lady doctor. Girls found to be suffering from any venereal disease shall be kept as far as possible separate from other inmates of such a home or place of custody. Girls suffering from minor ailments requiring medical attendance shall be taken to the out-patients' department of the hospital for women and children for treatment as out-patients. If any girl is suffering from serious illness, she shall be taken to the nearest hospital for admission and information shall immediately be sent to the District Magistrate concerned.

Serious illness, if any, to be reported to the District Magistrate.

Reporting death of inmates immediately to the District Magistrate.

3. In the case of the death of any of the girls, the superintendent of the rescue home or the person in charge of the place of custody shall immediately report the circumstances of the case to the District Magistrate concerned.

Reports of escape or recapture of inmates to be immediately made to the authorities concerned.

4. (1) The superintendent of the rescue home or the person in charge of the place of custody shall give immediate notice of the escape or recapture of any inmate of the rescue home or place of custody, as the case may be, to—

(*a*) the Director of Public Health;

(*b*) the nearest police station;

(*c*) the Superintendent of Police, Bangalore City, or the District Superintendent of Police concerned, and

* "rescue home" provided or aided or recognised by the Government.

(*d*) the District Magistrate concerned.

(2) On receipt of such a notice of escape under sub-rule (1) above, the officer in charge of the police station shall take necessary steps to recapture the inmate and to bring her back to the rescue home or place of custody from which she escaped.

Preventing of evil influence.

5. The superintendent of the rescue home or the person in charge of the place of custody shall take every care and precaution to prevent the exercise of evil influence by any person on the girls when they are in such home or place of custody.

Floor space for each inmate.

6. (1) Every girl shall have a separate bed with a floor space of not less than 8′ × 5′ per bed.

Dress of inmates.

(2) Every girl shall wear such dress as the superintendent of the rescue home or the person in charge of the place of custody considers suitable for her.

Inculcating habits of cleanliness and discipline.

(3) the superintendent of the rescue home or the person in charge of the place of custody shall make every effort to instil in the girls habits of cleanliness and discipline.

Food in accordance with caste scruples.

7. Plain and wholesome food shall be supplied to the girls in accordance with their caste scruples.

Suitable employment for inmates.

8. Suitable employment which shall include house work, sewing and the like shall be provided for the girls. A portion of each day shall be devoted to instructing the girls on educational subjects suitable to their age and capacity. The girls shall be allowed proper intervals for rest and recreation.

Rescue home to be under the purdah system.

9. The rescue home or the place of custody shall be kept under the "purdah" system. No girl shall be allowed to see visitors or receive letters without the express permission of the superintendent of the rescue home or the person in charge of the place of custody and no male visitor shall be permitted to interview any of the girls except in the presence of the superintendent of the rescue home or the person in charge of the place of custody.

Conditions in respect of interview with male visitors.

Attendance before the police or before a Court only on written requisition by competent authority.

10. Any girl whose attendance is required before the police or before a court of law shall be permitted to leave the rescue home or the place of custody for the purpose only on receipt of a written requisition signed by the Superintendent of Police in the case of Bangalore City,

and elsewhere by the District Superintendent of Police or of a summons issued by a court of competent jurisdiction. The girl shall in such cases be accompanied by the superintendent of the rescue home or the person in charge of the place of custody.

Director of Public Health to superintend and control the working of these rules.

11. (1) It will be the duty of the Director of Public Health to superintend and control the working of these rules in the rescue homes and other places of custody referred to therein.

Appointment of boards of visitors.

(2) The Government may, in consultation with the Director of Public Health, appoint for any local area to which the Act has been extended a board of visitors (hereinafter referred to as the board) to visit the rescue homes and other places of custody situated within such local area and to comment and advise on matters affecting the administration of the rescue homes and other places of custody.

Lady Medical Officer, V. V. Hospital, to be *ex-officio* president of the board of visitors.

(3) (*a*) In the case of the City of Bangalore, the board shall consist of the following members, namely :—

(i) The Inspectress of Girls' Schools having jurisdiction over the City of Bangalore, *ex-officio*.

(ii) The Lady Medical Officer, Vani Vilas Hospital, Bangalore, *ex-officio*.

(iii) Not less than three and not more than five women non-officials appointed by the Government.

(iv) The Principal, Women's (Maharani's) College.

The Lady Medical Officer, V. V. Hospital, Bangalore, shall be the *ex-officio* president of the board.

(*b*) Elsewhere, the board shall consist of the following members, namely :—

(i) The Inspectress of Girls' Schools within whose circle the board exercises jurisdiction, ex-officio ;

(ii) the nearest lady doctor of a Government institution, and

(iii) not less than three and not more than five women non-officials appointed by the Government.

The Inspectress of Girls' Schools shall be the ex-officio president of the board.

(4) A non-official member shall hold office for two years from the date of her appointment and shall be eligible for reappointment.

Non-official members of the board of visitors shall hold office for a period of two years.

(5) The board shall meet at least once in every three months. The meetings of the board shall be held in the rescue home or, if there are two or more rescue homes in any area, in each rescue home by rotation. The superintendent of the rescue home in which the meeting is held shall be the secretary of the board for the meeting.

The board of visitors shall meet at least once in three months and transact business.

(6) No business shall be transacted at a meeting of the board unless at least three members are present.

The quorum for the board of visitors shall be three members present.

(7) The president shall preside at every meeting of the board at which she is present. If the president is absent from any meeting, the members present shall elect one of their number to preside over the meeting and the member so elected shall at that meeting exercise all the powers of the president.

If the ex-officio president is absent, the members shall elect one of them to preside over the meeting.

(8) The board shall fix the day and hour of its meeting, and a week before the day so fixed, a notice thereof, together with an abstract of any special matters to be considered, shall be furnished to the members by the secretary of the board.

The secretary of the board of visitors shall be the superintendent of the rescue home.

(9) In addition to the duties mentioned in Sub-rule (2) the board shall in consultation with the superintendent of the rescue home or the person in charge of the place of custody, recommend to Government the premature discharge of girls before the expiry of the full term for which detention has been ordered by the court, in suitable cases, such as for instance, cases in which there are offers of suitable marriage. In cases in which premature discharge is recommended on the ground of offer of marriage, it shall be the duty of the board to satisfy itself as to the *bona fides* of the offer before it makes any recommendation to Government. All such recommendations to Government for the premature release of girls placed under detention should be submitted through the Director of Public Health.

Premature discharge of girls before the expiry of the full term of detention.

12. (1) The Director of Public Health may, for any of the following reasons to be recorded in writing, order the transfer of a girl detained in a rescue home or place

Transfer of girls from one rescue home or place of custody to another may be effected for special reasons recorded by the Director of Public Health.

of custody to any other rescue home or place of custody :—

(*a*) When the transfer is for the welfare of the girl or is in the interests of discipline;

(*b*) when the rescue home or place of custody has no accommodation in it;

(*c*) when the rescue home or place of custody is unfit for the detention of a girl; or

(*d*) for any other special reason.

For such transfer the girl should be in a fit state of health to undergo the transfer.

(2) The superintendent of the rescue home or the person in charge of the place of custody shall, before effecting such transfer, satisfy herself that the girl to be transferred is in a fit state of health to undergo the transfer.

The girl on transfer shall be escorted by a woman considered suitable by the superintendent or person in charge.

(3) The girl shall be escorted by a woman considered suitable for the purpose by such superintendent or person in charge.

All records and personal property of the girl transferred shall be handed over by the escort to the superintendent or the person in charge to whose charge the girl is transferred.

(4) All the records and personal property, if any, relating to the girl transferred shall be handed over to the escort to be delivered to the superintendent of the rescue home or the person in charge of the place of custody to which the girl is transferred.

The superintendent or the person in charge shall verify and acknowledge receipt of such documents and property of the girl taken charge of.

(5) The superintendent of the rescue home or the person in charge of the place of custody to which the girl is transferred shall, on the arrival of the girl and after due verification, acknowledge the correct receipt of the documents and property.

The total period of detention shall not be affected by such transfer.

(6) The total period of detention of a girl ordered by the court shall on no account be increased by any transfer under sub-rule (1).

Licence under Section 7 of the Act permitting the inmates of rescue homes to live with specified persons.

13. (1) Where a girl is detained under section 7 of the Act in a rescue home or other place of custody in pursuance of an order of a court, the superintendent of the rescue home or the person in charge of the place of custody may, at any time after the expiration of three months of the period of detention and with the consent of the board, by licence permit the girl on the conditions specified therein to live with any trustworthy and respectable woman named in the licence, willing to receive and take charge of the girl.

The form of the licence shall be as follows :—

Form of licence.

"I, ..... superintendent of the rescue home at ..... or person in charge of ..... where (name .....) a girl aged ..... years is being kept in custody under Section 7 of the Mysore Suppression of Brothels and Immoral Traffic Act, 1936, with the sanction of the board of visitors of the locality in which such rescue home or place of custody is situate, do hereby permit her to live under the charge of ..... on condition that the said ..... shall take every care and precaution to prevent the exercise of any evil influence by any person on the said ..... and, where necessary, keep her employed at .....

This licence will be in force until revoked or forfeited or the girl attains the age of ..... years.

Witness my hand this ..... day of ..... 194 .

Superintendent or person in charge of rescue home or place of custody."

Witness.

Licence to be in force until revoked.

(2) Any licence so granted shall be in force until revoked or forfeited by the breach of any of the conditions on which it was granted.

Procedure to compel any girl living under such licence to return to the rescue home.

(3) The superintendent of the rescue home or the person in charge of the place of custody may at any time, after consulting the board, by order in writing revoke such licence and order the girl to return to the rescue home or place of custody and shall do so at the desire of the person with whom the girl is licensed to live. If the girl refuses or fails to return to the rescue home or place of custody,

the superintendent may apply to the magistrate to cause her removal to the rescue home or place of custody.

Magistrates empowered to issue such orders.

(4) The magistrate to whom such an application is made may issue an order directing any police officer not below the rank of an inspector specially authorised in writing in this behalf by the Superintendent of Police in the case of Bangalore City, or elsewhere by the District Superintendent of Police to remove the girl wherever found to the rescue home or place of custody and thereupon such police officer shall have the power to enter into any place where the girl is found and to remove her to the rescue home or place of custody.

Calculation of the total period of detention in the rescue home.

(5) The time during which a girl is absent from a rescue home or place of custody in pursuance of a licence shall be deemed to be part of the time of her detention in the rescue home or place of custody:

Provided that where a girl has failed to return to the rescue home or place of custody on the licence being revoked or forfeited, the time which elapses after her failure so to return shall be excluded in computing the time during which she is to be detained in the rescue home or place of custody.

No girl to be licensed out except under proper arrangements made for education, training of employment.

14. No girl shall be licensed out unless the superintendent of the rescue home or the person in charge of the place of custody from which she is licensed, is satisfied that due arrangements have been made for the education, training or employment of the girl while so licensed.

Monthly reports to be sent on the conduct and progress of the girl licensed out.

15. When a girl is licensed out, the superintendent of the rescue home or the person in charge of the place of custody shall send every month a report form to the person with whom the girl is licensed to live and such person shall fill in and return the same or cause it to be filled in and returned to such superintendent or person in charge with a brief report of the conduct and progress of the girl.

Supervision of girls licensed out to be made by the Superintendent of the rescue home.

16. In all cases of girls living out on licence, regular supervision, so far as the circumstances permit, shall be exercised by the superintendent of the rescue home or the person in charge of the place of custody, as the case may be.

Disposal Register to be maintained in the rescue home.

17. A disposal register shall be kept in every rescue home or place of custody in which shall be entered full particulars of the manner in which every inmate was

disposed of on licence or on discharge and of her after-career. Every effort shall be made by the superintendent of the rescue home or the person in charge of the place of custody to keep in touch with the inmates for at least three years after discharge.

Annual return to be submitted to the Director of Public Health.

18. An annual return as well as the remarks made by the board from time to time during the year to which the return relates shall be submitted by the superintendent of the rescue home or the person in charge of the place of custody to the Director of Public Health.

The Director of Public Health to submit annual reports to Government on the working of these Rules.

19. The Director of Public Health shall submit annually to Government a detailed report on the working of these Rules.

*No. T.* 1485—*R. T.* 28-40-3, *dated Bangalore, the 22nd November* 1940.

The following draft amendment to Rule 4 of the Mysore Motor Vehicles Tax Rules, Part I (page 132 of the Mysore Motor Manual), which the Government of His Highness the Maharaja propose to make in virtue of the powers vested in them under Section 33 of the Mysore Road Traffic and Taxes Act, No. VI of 1935, as amended by Act No. IX of 1936, is hereby published for the information of persons likely to be affected thereby and any suggestion or objection received on or before the 19th December 1940 from such persons in respect of the draft amendment will be considered by Government.

**Draft Amendment.**

Add the following as sub-rule (iv) to Rule 4 of the Motor Vehicles Tax Rules, Part I:—

"(iv) The licenses together with declaration forms will be supplied to all the licensing officers according to their requirements one month in advance before the beginning of each quarter or half-year as required, by the Inspector-General of Police. Supplementary indents will, however, be complied with only on receipt of requisitions from the licensing officers in Form 1-A appended to these rules. If, at any time, it is found by the licensing officers that the licenses and forms supplied are not required or are in excess of actual requirements, they will be returned with

a covering memo in Form 1-B to the Inspector-General of Police who will acknowledge the receipt thereof in Form 1-C.

Insert the following Forms 1-A, 1-B and 1-C after the existing Form 1 under Appendix 1 (page 160 of the Motor Manual):—

FORM 1-A.

No..... Place.....
Date.....

*Supplementary indent for license books and other forms* :—

To—The Inspector-General of Police in Mysore,
Bangalore.

It is requested that the license books and other forms as detailed overleaf may kindly be caused to be supplied at an early date.

*Licensing Officer,*
*Treasury.*
.....*Toll-gate.*

| Sl. No. | Particulars of licenses and forms | No. required | | No. in stock on date of indent | No. supplied |
|---|---|---|---|---|---|
| | | Books | Licenses | | |
| 1 | Vehicle-tax licenses for the half-year ending ..... | | | | |
| 2 | Service-tax licenses for the quarter ending ..... | | | | |
| | (*a*) for cabs ... | | | | |
| | (*b*) for buses ... | | | | |
| 3 | Road-tax licenses for the quarter ending ..... | | | | |
| 4 | Composition toll tokens— | | | | |
| | (*a*) for the quarter ending..... | | | | |
| | (*b*) for the year ending..... | | | | |
| 5 | S. W. licenses ... ... | | | | |
| 6 | S. M. licenses ... ... | | | | |
| 7 | Declaration forms for taxes ... | | | | |
| 8 | Do for toll composition tokens. | | | | |
| 9 | Treasury register of receipts ... | | | | |
| 10 | | | | | |
| 11 | | | | | |
| 12 | | | | | |

Road traffic Taxes Act 1935-6 801



## FORM 1-B.

No..... Place.....

Date.....

To

The Inspector-General of Police in Mysore,
Bangalore.

The license books and other forms noted overleaf which are either not required for use or are in excess of actual requirements are returned herewith. The receipt of the same may kindly be acknowledged.

*Licensing Officer,*

*Treasury.*
*Toll-gate.*

| Sl. No. | Particulars of licenses and forms | No. received | | No. used | | Bal. returned | |
|---|---|---|---|---|---|---|---|
| | | From | To | From | To | From | To |
| 1 | Vehicle-tax licenses for the half-year ending..... | | | | | | |
| 2 | Service-tax licenses for the quarter ending ..... | | | | | | |
| | (*a*) for cabs ... | | | | | | |
| | (*b*) for buses .... | | | | | | |
| 3 | Road-tax licenses for the quarter ending ..... | | | | | | |
| 4 | Composition toll tokens— | | | | | | |
| | (*a*) for the quarter ending ... | | | | | | |
| | (*b*) for the year ending..... | | | | | | |
| 5 | | | | | | | |
| 6 | | | | | | | |
| 7 | | | | | | | |
| 8 | | | | | | | |

FORM 1-C.

No. Office of the Inspector-General of Police in Mysore,
*Dated Bangalore, the.....*

**Acknowledgment.**

The receipt of license books and other forms as detailed overleaf sent with his No..... .....dated..... ..... is hereby acknowledged.

*Inspector-General of Police.*

To

The Licensing Officer,
Treasury.
.....Toll-gate.

| Sl. No. | Particulars of licenses and forms | No. received | |
|---|---|---|---|
| | | From | To |
| 1 | Vehicle-tax licenses for the half-year ending..... | | |
| 2 | Service-tax licenses for the quarter ending..... | | |
| | (*a*) for cabs ... ... | | |
| | (*b*) for buses ... .... | | |
| 3 | Road-tax licenses for the quarter ending..... | | |
| 4 | Composition toll tokens— | | |
| | (*a*) for the quarter ending..... | | |
| | (*b*) for the year ending ..... ..... | | |
| 5 | | | |
| 6 | | | |
| 7 | | | |
| 8 | | | |

By Order,

H. V. NARAYANA RAO,
*Secretary to Government,*
*Law Department.*

*No. P.* 2711—*Legis.* 2-40-38, *dated Bangalore, the* 21*st November* 1940.

The following Notifications of the Government of India, Defence Co-ordination Department, are hereby republished for general information.

By Order,

H. V. NARAYANA RAO,
*Secretary to Government,*
*Law Department.*

## DEFENCE CO-ORDINATION DEPARTMENT.

### NOTIFICATION.

*New Delhi, the 2nd November* 1940.

No. 591-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

After rule 90A, of the said rules the following rule shall be inserted, namely :—

90B. "Restriction on export of money.—

(1) In this rule "money" means any coin or currency note which is legal tender in British India or elsewhere, and includes bills of exchange.

(2) No person shall, except with the permission of the Reserve Bank of India or of a person authorised in this behalf by the said Bank, take or send out of British India to a place or country outside India and Burma money in excess of such amount as may be specified in this behalf by the said Bank.

(3) Any person who on any occasion is about to leave British India for a place outside India and Burma (which person is hereafter in this rule referred to as "the traveller") shall, if on that occasion he is ordered so to do by an Officer of Customs,—

(*a*) declare with full details the money he has with him; and

(*b*) produce for the inspection of the officer the money and the permission, if any, granted in pursuance of sub-rule (2).

(4) Any Officer of Customs, and any person acting under the directions of such officer, may—

(*a*) examine or search any article which the traveller has with him, for the purpose of ascertaining whether he is conveying or has in his possession any money in contravention of the provisions of this rule;

(*b*) if he has reasonable ground for suspecting that the traveller has about his person any money which he has not produced for inspection, search the person of the traveller;

(*c*) seize any money produced for inspection under sub-rule (3) or found upon examination or search under this sub-rule, being money which the traveller has in his possession in contravention of the provisions of this rule:

Provided that no female shall be searched in pursuance of the provisions of this sub-rule, except by a female.

(5) If, upon his being ordered to make a declaration or to produce any money under the povisions of sub-rule (3), any person knowingly makes a declaration which is false or not true, or fails to produce the money, he shall be deemed to have contravened the provisions of this rule.

(6) Any money seized in pursuance of the provisions of this rule, shall be disposed of in such manner as the Central Government may by general or special order direct.

(7) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine."

A. deC. Williams,
Secretary to the Government of India.

## DEFENCE CO-ORDINATION DEPARTMENT.

### NOTIFICATION.

*New Delhi, the 2nd November* 1940.

No. 592-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of

1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

In rule 84 of the said Rules—

(1) in sub-rule (3) for the words "by or under the order, the import or export, or the carriage castwise or the shipment as ships' stores of all goods or goods of any specified description", the following shall be substituted, namely :—

"by or under the order,—

(i) the import, export, carriage castwise or shipment as ships' stores of all goods or goods of any specified description ;

(ii) the shipment of fresh water on sea-going vessels";

(2) in sub-rule (4), after the words "of any goods," the words "or any shipment of fresh water" shall be inserted, and after the words "such goods" the words "or as the case may be such fresh water" shall be inserted.

A. deC. Williams,
Secretary to the Government of India.

## DEFENCE CO-ORDINATION DEPARTMENT.

### NOTIFICATION.

*New Delhi, the 26th October* 1940.

No. 580-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

In rule 26 of the said rules, after sub-rule (5-A), the following sub-rule shall be inserted, namely :—

"(5-B) If the Central Government or the Provincial Government, as the case may be, has reason to believe that a person in respect of whom that Government has made an order under sub-rule (1) directing that he be detained has absconded or is concealing himself so that such order cannot be executed,

that Government may make a report in writing of the facts to a Presidency Magistrate or a Magistrate of the first class having jurisdiction in the place where the said person ordinarily resides; and thereupon the provisions of sections 87, 88 and 89 of the Code of Criminal Procedure, 1898, shall apply in respect of the said person and his property as if the order directing that he be detained were a warrant issued by the Magistrate."

A. deC. Williams,
Secretary to the Government of India.

## DEFENCE CO-ORDINATION DEPARTMENT.

### NOTIFICATION.

*New Delhi, the 26th October* 1940.

No. 516-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely:—

In rule 54 of the said rules,—

(1) For sub-rule (1), the following sub-rule shall be substituted, namely:—

"(1) The Central Government or the Provincial Government may, by general or special order, prohibit, restrict or impose conditions on, the possession, carrying, use, sale or other disposal of —

(*a*) arms or articles capable of being used as arms;

(*b*) ammunition;

(*c*) substances (hereinafter referred to as explosive substances) which are, or are declared to be, explosives within the meaning of the Indian Explosives Act, 1884."

(2) In sub-rule (2),—

(*a*) after the word "arms" wherever it occurs, the words "articles capable of being used as arms," shall be inserted;

(*b*) in clause (b)—

(i) the words "or other articles" wherever they occur shall be omitted;

(ii) for the words "ammunition, explosive substances" the words "ammunition or explosives substances" shall be substituted;

(iii) after the words "carried by him," the words "which such officer or other public servant suspects to be possessed or carried" shall be inserted.

A. deC. Williams,
Secretary to the Government of India.

*No. P.* 2712—*Legis.* 17-40-2, *dated Bangalore, the* 21*st November* 1940.

The following Ordinance of the Government of India, Legislative Department and the Notification of the Government of India, Finance Department, are hereby republished for general information.

By Order,

H. V. Narayana Rao,
*Secretary to Government,*
*Law Department.*

GOVERNMENT OF INDIA.

**LEGISLATIVE DEPARTMENT.**

*Simla, the 11th October 1940.*

ORDINANCE No. XII OF 1940.

AN

ORDINANCE

*further to amend the Indian Coinage Act, 1906.*

III of 1906. Whereas an emergency has arisen which makes it necessary further to amend the Indian Coinage Act, 1906, for the purpose hereinafter appearing;

26 Geo. 5, C.2. Now, therefore, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor-General is pleased to make and promulgate the following Ordinance :—

Short title and commencement. 1. (*1*) This Ordinance may be called the Indian Coinage (Second Amendment) Ordinance, 1940.

(*2*) It shall come into force at once.

III of 1906. Amendment section 15-A. Act III of 1906. 2. In section 15-A of the Indian Coinage Act, 1906,—

(*a*) the words, brackets and figures "other than the rupee and half-rupee referred to in sub-section (1) of section 12" shall be omitted;

(*b*) for the words "save at a Government currency office" the words "save to such extent as may be specified in the notification" shall be substituted; and

(*c*) the proviso shall be omitted.

Linlithgow,

Viceroy and Governor-General.

SIMLA,
*The 10th October, 1940.*

G. H. Spence,

Secretary to the Government of India.

## GOVERNMENT OF INDIA.

## FINANCE DEPARTMENT.

### NOTIFICATION.

*Simla, the 11th October* 1940.

No. D/C.-1861-F.—In exercise of the powers conferred by section 15-A of the Indian Coinage Act, 1906 (III of 1906), as amended by the Indian Coinage (Second Amendment) Ordinance, 1940 (Ordinance No. 12 of 1940), the Central Government is pleased—

(i) to call in, with effect from the 1st April, 1941, all rupee and half-rupee coins bearing on the obverse the effigy of Her late Majesty Queen Victoria; and

(ii) to direct that on and from the said date the said coins shall cease to be legal tender save—

(*a*) at the offices of the Issue Department of the Reserve Bank of India at Bombay and Calcutta till further notice, and

(*b*) at any Government Treasury or Post Office till the 30th September 1941.

P. R. Rau,
Additional Secretary to the
Government of India.

*Order No. P.* 2762—*Legis.* 23-40-1, *dated Bangalore, the 26th November* 1940.

Ordered that the accompanying Emergency Act to provide for the constitution of Civic Guards in Mysore which received the assent of His Highness the Maharaja, on the 5th day of November 1940, be published as Act No. XXVII of 1940, in the *Mysore Gazette* for general information.

H. V. Narayana Rao,
*Secretary to Government,*
*Law Department.*

## Act No. XXVII OF 1940.

## The Civic Guards (Emergency) Act, 1940.

AN ACT TO PROVIDE FOR THE CONSTITUTION OF CIVIC GUARDS IN MYSORE.

(*Received the assent of His Highness the Maharaja on the fifth day of November* 1940.)

WHEREAS an emergency has arisen which makes it necessary to provide for the constitution of Civic Guards in Mysore.

NOW THEREFORE, under Section 12 of the Mysore Legislative Council Act, 1925, it is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Civic Guards (Emergency) Act, 1940.

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

Constitution of Civic Guards.

2. The District Magistrate of a district may constitute for that district a body to be called the Civic Guard, the members of which shall discharge such functions in relation to the protection of persons, the security of property or the public safety as may be assigned to them in accordance with the provisions of this Act and the rules made thereunder.

Appointment of members.

3. The District Magistrate of a district may appoint as members of the Civic Guard so many persons, who are fit and willing to serve as such, as he is authorised by the Government to appoint and may appoint any such member to any office of command in the Civic Guard.

Functions of members.

4. The District Magistrate of a district may at any time call out a member of the Civic Guard for training or to discharge any of the functions assigned to the Civic Guard in accordance with the provisions of this Act and the rules made thereunder.

Powers, protection and control.

5. (1) A member of the Civic Guard when called out under section 4 shall have the same powers, privileges and protection as an officer of police appointed under any law for the time being in force.

(2) No prosecution shall be instituted against a member of the Civic Guard in respect of anything done or purporting to be done by him in the discharge of his functions as such member, except with the previous sanction of the District Magistrate.

6. The members of the Civic Guard when called out under section 4 directly in aid of the police force, shall be under the control of the officers of such force, in such manner and to such extent as may be prescribed by rules made under section 8. Control by officers of police force.

7. If any member of a Civic Guard, on being called out under section 4, without sufficient excuse, neglects or refuses to obey such order, or to discharge his functions as a member of the Civic Guard, or to obey any lawful order or direction given to him for the performance of his duties, he shall, on conviction by a competent court, be punishable with fine which may extend to fifty rupees. Penalty.

8. The Government may make rules consistent with this Act— Rules.

(*a*) providing for the exercise by any police officer or other servant of the Government of the powers conferred on the District Magistrate by section 4 of this Act;

(*b*) providing for the exercise of control by officers of the police force over members of the Civic Guard when acting directly in aid of the police force;

(*c*) regulating the organisation, appointment, conditions of service, duties, discipline, arms, accoutrements and clothing of members of the Civic Guard and the manner in which they may be called out for service;

(*d*) conferring on members of the Civic Guard according to their office any powers, other than magisterial or judicial powers, exercisable by any person under any Act;

(*e*) generally for giving effect to the provisions of this Act.

MIRZA M. ISMAIL,
*Dewan.*

*CORRIGENDUM.*

*No. P. 2776—Legis. 2-40-40, dated Bangalore, the 26th November* 1940.

In Notification No. P. 1096—Legis. 2-40-19, dated 23rd August 1940, *for* the word and figure "rule 115" *read* "rule 116".

By Order,
H. V. NARAYANA RAO,
*Secretary to Government,*
*Law Department.*

*No. P.-2775—Legis.* 2-40-39, *dated Bangalore, the 26th November* 1940.

The following notification of the Government of India, Department of Communications, is hereby re-published for general information.

By Order,
H. V. NARAYANA RAO,
*Secretary to Government,*
*Law Department.*

## GOVERNMENT OF INDIA.

## DEPARTMENT OF COMMUNICATIONS.

### NOTIFICATION.

*Dated New Delhi, the 7th November* 1940.

*No. W* 28 (3)/39.—In pursuance of sub-rule (2) of rule 7-A of the Indian Aircraft Rules, 1937, the Central Government is pleased to empower, for the purpose of the said sub-rule, the officers specified in the first column of the Schedule annexed hereto when on duty at the aerodromes specified in the corresponding entry in the second column of the said Schedule.

**Schedule.**

| | *Officers.* | *Aerodromes.* |
|---|---|---|
| 1. | The Sergeant of the Calcutta Police. | Dum Dum Air Port. |
| 2. | The Inspector of the River Traffic Police. | Seaplane Station, Willingdon Bridge, Bally. |
| 3. | The Customs Officer, Meenambakkam. | Meenambakkam Aerodrome. |
| 4. | The Customs Collector, Trichinopoly. | Trichinopoly Aerodrome. |
| 5. | The Sergeant and the Sub-Inspector of Police. | Karachi (Drigh Road) Air Port. |
| 6. | The Sub-Inspector of Police. | Karachi Seaplane Station. |
| 7. | All Police Officers not below the rank of Inspector. | Bombay (Juhu) and Ahmadabad Aerodromes. |

A. D. Gorwala,
Deputy Secretary to the Government of India.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M. 1175

213

# The Mysore Gazette

Vol. 75.] PUBLISHED BY AUTHORITY. [No. 46

BANGALORE, THURSDAY, DECEMBER 5, 1940.

## PART IV.

### Legislative Measures and Rules thereunder.

### NOTIFICATIONS.

*No. D. 2538—I. & C. 252-40-4, dated Bangalore, the 29th November 1940.*

In exercise of the powers conferred by Section 3(A) of the Mysore Weights and Measures Act No. III of 1902, as amended by Act No. IX of 1927, the Government of His Highness the Maharaja of Mysore are pleased to make the following new rule which shall be inserted as Rule 15-B after Rule 15-A of the Rules issued under the said Act.

"15-B. The use of a weight or measure not certified and stamped or not retested and restamped in accordance with these Rules shall be liable to the penalty prescribed in Section 5 of the Act."

2. This rule will come into force from the date of this Notification.

*No. D.* 2540--*I. & C.* 136-39-7, *dated Bangalore, the 29th November* 1940.

In exercise of the powers vested in them under Section 78(2) of the Mysore Factories Act, I of 1936, the Government of His Highness the Maharaja of Mysore are pleased to make the following rules regarding the marginally noted hazardous operations under the said Act, the draft notification in this behalf having been already published with Notification No. D. 5641—I. & C. 136-39-6, dated the 20th June 1940.

1. Chromium.
2. Cellulose.
3. Sand Blasting.
4. Cyanogen compounds.

2. The rules will come into force from the date of this Notification.

By Order,

C. E. NORONHA,

*Secretary to Government, Development Department.*

## Chromium Rules.

1. *Title and Application.*—(*a*) These rules may be called the Hazardous (Chromium) Rules, 1940.

(*b*) They shall apply to all factories in which any operation involving the use of soluble chromium compounds is carried on.

2. *Declaration of Operations as Hazardous.*—Operations involving the use of soluble chromium compounds are declared to be hazardous operations when carried on in any factory.

3. *Prohibition of the Employment of Women, Children and Adolescents.*—No woman, child, or adolescent shall be employed in any factory in any of the operations specified in rule 2.

4. *Protective Clothing.*—(*a*) The occupier shall provide water-proof aprons (of a pattern approved by the Chief Inspector of Factories) or overalls in a clean condition which every person employed on any of the operations specified in rule 2 shall wear.

(*b*) The occupier shall provide loose fitting rubber gloves of suitable length and rubber boots or other water-proof foot wear for the use of those working at any vessel in which electrolytic plating or oxidation of metal article by the use of an electrolyte containing chromic acid or other chromium compounds or any process subsequent thereto is carried on:

Provided that the Chief Inspector of Factories may grant exemption from any or all the provisions of this rule where he is satisfied that they are not necessary to secure the health of the workers.

5. *Exhaust Draughts.*—An efficient exhaust draught shall be provided by mechanical means for the process of electrolytic plating or oxidation of metal articles by the use of an electrolyte containing chromic acid or other chromium compounds. The draught shall operate on the vapour or spray given off in the process as near as may be at the point of origin, so as to prevent it (as far as practicable under the atmospheric conditions usually prevailing) from escaping into the air of any place in which work is carried on.

## Cellulose Spraying Rules.

1. *Title and Application.*—(*a*) These rules may be called the Hazardous Occupations (Cellulose Spraying) Rules, 1940.

(*b*) They shall apply to all factories in which the spraying of cellulose ester paints and lacquers is carried on.

2. *Declaration of Operation as Hazardous.*—The spraying of cellulose ester paints or lacquers is declared to be hazardous operation when carried on in any factory.

3. *Prohibition of the Employment of Children and Adolescents.*—No child or adolescent shall be employed in any factory on the operation specified in rule 2.

4. *Exhaust Draughts.*—An efficient exhaust draught shall be provided by mechanical means for the process specified in rule 2. The draught shall operate on the vapour given off in the process as near as may be at the point of origin so as to prevent it (as far as practicable under the atmospheric conditions usually prevailing) from escaping into the air of any place in which work is

carried on. The draught shall be maintained working for a period of at least five minutes after the cessation of the operation:

Provided that the Chief Inspector of Factories may grant exemption from the provisions of this rule if he is satisfied that due to the casual nature of the operation they are not necessary to secure the health of the workers.

5. *Position of Spray Operators.*—Arrangements shall, as far as practicable, be made so as to render it unnecessary for the person operating the spray to be in a position between a ventilating outfit and the article being sprayed.

## Sand Blasting Rules.

1. *Title and Application.*—(*a*) These rules may be called the Hazardous Operations (Sand Blasting) Rules 1940.

(*b*) They shall apply to all factories in which the operation of sand blasting as defined in rule 2 is carried on.

2. *Definition.*—In these rules sand blasting means the use of a jet of sand, metal shot, grit or other abrasive, propelled by a blast of compressed air or steam.

3. *Declaration of Operation as Hazardous Operation.*—Sand blasting is declared to be a hazardous occupation when carried on in any factory.

4. *Prohibition of the Employment of Women Adolescents and Children.*—No woman, adolescent or child shall be employed in any factory on sand blasting.

5. *Protective Clothing.*—(1) No person shall be allowed to perform or to assist at sand blasting in the open air or to work within 30 feet of sand blasting apparatus in operation in the open air, unless he is wearing a suitable helmet and gauntlets.

(2) No person shall be allowed to work in or remain in a sand blasting chamber, unless he is wearing a suitable protective helmet, overalls and gauntlets or to insert his arm or hand into the chamber unless he is wearing a suitable gauntlet while sand blasting is carried on.

(3) The occupier shall provide and maintain in good condition all helmets, gauntlets and overalls necessary for compliance with sub-rules (1) and (2).

(4) A protective helmet shall not be considered suitable unless it carries the distinguishing mark of the person to whom it is issued and by whom it is intended to be used and is provided with a sufficient supply of pure air for breathing and ventilation, together with suitable arrangements to permit the escape of the expired air.

(5) No person shall wear a protective helmet that has been worn by another person unless and until such protective helmet shall have been thoroughly disinfected.

## Cyanide Rules.

1. *Title and Application.*—(*a*) These Rules may be called Hazardous Operations (Cyanide) Rules, 1940.

(*b*) They shall apply to all factories in which any operation involving the use of Cyanogen compounds is carried on.

2. *Declaration of Operations as Hazardous.*—Operations involving the use of cyanogen compounds are declared to be hazardous occupations when carried on in any factory.

3. *Prohibition of the Employment of Women, Children and Adolescents.*—No woman, child or adolescent shall be employed in any of the operations specified in Rule 2.

4. *Protective Clothing and Antidote.*—(1) Occupier shall provide rubber gloves for hands and arms of workmen reaching above the elbows, employed in any of the operations specified in rule 2.

(2) The occupier shall keep a box containing the antidote consisting of the following:—

1. 30 c.c. of a 23 per cent solution of ferrous sulphate.
2. 30 c.c. of a 5 per cent solution of caustic potash.
3. Two grams of powdered oxide of magnesium.

(3) The abovenamed box should be provided with a glass front and placed in some conspicuous place in the factory and the words "Antitode for cyanide poisoning" with clear instructions of its use should be painted on the box.

5. *Exhaust Draught.*—An efficient exhaust draught shall be provided in the chamber where operations specified in rule 2 are carried on. The draught shall operate on

the vapour given off as near as may be at the point of origin so as to prevent it (as far as practicable under the atmospheric conditions usually prevailing) from escaping into the air of any place in which the operations are carried on.

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*No. P.* 2808—*Legis.* 25-40-1, *dated Bangalore, the* 27*th November* 1940.

In exercise of the powers conferred by Section 24 of the Mysore Moneylenders Act, 1939, the Government of His Highness the Maharaja are pleased to make the following further amendment to the Mysore Moneylenders Rules, 1940, namely:—

After rule 12, the following rule shall be added as rule 12-A, namely,—

"12-A. Where a Moneylender to whom a certificate under rule 11 or rule 12 has been issued, satisfies the Registrar who issued the certificate that it has been lost and makes an application for a duplicate, the Registrar may issue a duplicate certificate. The duplicate shall be an exact copy of the original, but shall bear on its face in red ink the word *Duplicate*. Every application for a duplicate certificate shall bear a Mysore Court Fee Stamp of the value of annas eight."

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*No. T.* 1558—*R. T.* 31-40-2, *dated Bangalore the* 28*th November* 1940.

In virtue of the powers vested in them under Section 15 of the Mysore Road Traffic and Taxes Act No. VI of 1935, the Government of His Highness the Maharaja of Mysore are pleased to direct that the Nallurpala toll-gate on the Murkal-Hunsur Road, Hunsur Taluk, be shifted towards Hunsur beyond the junction of the said road with the Heggaddevankote-Hunsur Road.

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*No. T.* 1599—*R. T.* 12-40-5, *dated Bangalore, the 3rd December* 1940.

In exercise of the powers conferred on them by Section 11 of the Mysore Motor Vehicles Act, 1928, the Government of His Highness the Maharaja are pleased to issue the following amendment to Rule 16 of the Mysore Motor Vehicles Rules, 1924, issued with Notification No. P. 3015—Legis. 21-22-10, dated 12th December 1924, as amended from time to time, the draft in the said behalf having already been issued with Notification No. T. 1280—R T. 12-40-4, dated 5th November 1940 and published at page 356, Part IV of the *Mysore Gazette*, dated 7th November 1940 :—

**Amendment.**

Add the following as Proviso after Rule 16 (iii) (ii) (b) :—

"Provided that in the case of renewal of driving licenses issued by competent authorities in Mysore State to persons who are at present serving with Army units abroad and thus prevented from applying for renewal before the date of expiry, the lesser fee of Rs. 3 per renewal shall alone be levied if such applicants for renewal produce a certificate from the Officer-Commanding, Madras District, to this effect and apply for renewals not later than thirty days after their return to Mysore State."

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*No. T.* 1601—*R. T.* 12-40-7, *dated Bangalore, the 3rd December* 1940.

The following draft amendment which the Government propose to make in virtue of the powers vested in them under Section 11 of the Mysore Motor Vehicles Act, 1928, and Section 33 of the Mysore Road Traffic and Taxes Act, VI of 1935, to the rules regarding Public Service Motor Vehicles issued with Notification No. P. 3992—Legis. 46-35, dated 18th December 1935, as amended from time to time, is hereby published for the information of persons likely to be affected thereby and any suggestion or objection received on or before the 1st January 1941 will be considered by Government, before issuing the amendment finally.

DRAFT AMENDMENT.

Add the following as Rule 81-A to the aforesaid rules regarding Public Service Motor Vehicles :—

"81-A. In the case of a motor bus with open sides, guard rails shall be provided along the right hand side of the vehicle to prevent any person other than the driver from mounting or alighting from the vehicle on that side."

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*No. P. 2869—Legis. 2-40-42, dated Bangalore, the 3rd December 1940.*

The following Notification of the Government of India, Defence Co-ordination Department, is hereby republished for general information.

By Order,
H. V. NARAYANA RAO,
*Secretary to Government,*
*Law Department.*

GOVERNMENT OF INDIA.

**Defence Co-ordination Department.**

NOTIFICATION.

*New Delhi, the 16th November 1940.*

No. 375—O. R./40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

In sub-rule (4) of rule 22 of the said Rules—

(1) in clause (*i*), after the words "examine or search," the words "any vessel, vehicle or other means of conveyance which the traveller has been employing, and" shall be inserted, and

(2) after clause (*iii*), the following clause shall be inserted, namely :—

"(iv) if he has reasonable ground for suspecting that the traveller or any other person has contravened or is contravening the provisions of this rule, arrest that person."

A. deC. WILLIAMS,
*Secretary to the Government of India.*

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*No. P. 2870—Legis. 2-40-43, dated Bangalore, the 3rd December 1940.*

In exercise of the powers conferred by sub-rule (2) of rule 22 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are pleased to make the following Order, namely :—

## ORDER.

1. This Order may be called the Control of Non-postal Communications Order, 1940.

2. In this Order, the expression "prohibited article" means—

(i) any newspaper, book, or other printed manuscript or typescript publication, or cuttings or portions from any of the above;
(ii) any map, plan, sketch, drawing, print, photograph or other descriptive or pictorial representation, or literature for the blind;
(iii) any postage or revenue stamps;
(iv) any official seal as defined in clause (*c*) of sub-rule (1) of rule 47 of the Defence of India Rules, as applied to Mysore;
(v) any letters or memoranda;
(vi) any other article whatsoever recording information by words, signs or otherwise.

3. No person shall send otherwise than by post, or have in his possession for the purpose of sending otherwise than by post, to any destination outside Mysore, and no person shall convey or have in his possession for the

purpose of conveying out of or into Mysore, any prohibited article :

Provided that the provisions of this paragraph shall not apply to—

(*a*) any prohibited article as to which the appropriate officer is satisfied that it is being sent or conveyed from Mysore to any of the following places or from any of the following places into Mysore :—

British India, any Indian State, any tribal area, any part of His Majesty the King Emperor of India's Dominions, any British Protectorate or Mandated Territory, or any other territory which is under His Majesty the King Emperor of India's protection or suzerainty ;

(*b*) any prohibited article in respect of which the person sending it or conveying it, or having it in his possession for the purpose of sending or conveying it, has previously obtained a permit for the purpose issued by or on behalf of the Chief Censor, India, and has complied with any conditions subject to which the permit has been granted ;

(*c*) any prohibited article in transit which has been submitted voluntarily at the places of arrival and departure for examination by a censor, and has been approved for further transit in compliance with any conditions subject to which such approval has been given ;

(*d*) any prohibited article, being conveyed into or out of Mysore which has been submitted voluntarily at the place of arrival or departure, as the case may be, for examination by the appropriate officer and has been approved by him for further conveyance in compliance with any conditions subject to which such approval has been given ;

(*e*) any prohibited article which is a document required by law to be carried on an aircraft, or is a document relating to the cargo, charter or other business of the aircraft on which it has to be conveyed, or of the owner of such aircraft, and is necessary for the proper conduct of such business, provided that such document—

(i) is submitted to the appropriate officer for examination and approval at the port or place of departure from Mysore, if he so requires ;

(ii) is kept in the personal custody of the pilot of the aircraft;

(*f*) any prohibited article for the time being exempted from the requirements of this Order by general or special order of the Government or the Central Government, provided that such prohibited article is submitted to the appropriate officer for examination and approval at the port or place of departure from Mysore, if he so requires;

(*g*) any prohibited article which is being conveyed or sent by a person or firm for sale on an aircraft, provided the person or firm has previously obtained a permit for the purpose issued by or on behalf of the Chief Censor and has complied with any conditions subject to which the permit has been granted.

By Order,

H. V. NARAYANA RAO,

*Secretary to Government,*
*Law Department.*

*No.* 3052—*L. C., dated Bangalore,*
*the 3rd December* 1940.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Advocate-General (Designation) Bill is published for general information with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,

*Secretary,*
*Mysore Legislative Council.*

## The Advocate-General (Designation) Bill.

WHEREAS it is expedient to change the designation of the Government Advocate in Mysore;

It is hereby enacted as follows:—

1. (*a*) This Act may be called the Advocate-General (Designation) Act, 19 . Short title and commencement.

(*b*) It shall come into force at once.

Change of designation of Government Advocate.

2. For the words "Government Advocate" wherever they occur in any Regulation, Act or other law for the time being in force, or any Rules, Order or Notification made under any such Regulation, Act or other law, the words "Advocate-General" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

In 1930, the designation of the Mysore Chief Court was changed by Act XII of 1930, to the Mysore High Court. The designation of the Chief Judge was similarly changed to the Chief Justice by that Act.

In keeping with the new designation of the Highest Court of the State and for describing more accurately the nature of his duties, it is considered desirable to change the designation of "Government Advocate" to "Advocate General."

This Bill is intended to effectuate this change of designation.

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*No.* 3056—*L.C., dated Bangalore, the 3rd December* 1940.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Mysore Land Acquisition (Amendment) Bill is published for general information with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,

*Secretary,*
*Mysore Legislative Council.*

## The Mysore Land Acquisition (Amendment) Bill.

Whereas it is expedient further to amend the Mysore Land Acquisition Act, 1894;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Mysore Land Acquisition (Amendment) Act, 194 . . . .

2. For clause (*d*) of Section 3 of the Mysore Land Acquisition Act, 1894, the following clause shall be substituted, namely :— Amendment of section 3, Article VII of 1894.

"(*d*) the expression "Court" means a principal Civil Court of original jurisdiction and includes—

(*i*) any other court which the Government has specially invested (as it is hereby empowered to do) with the functions of such Court under this Act, and

(*ii*) a special judicial officer whom the Government has appointed (as it is hereby empowered to do) to perform the functions of such Court under this Act within any specified local limits."

STATEMENT OF OBJECTS AND REASONS.

According to sections 3 (*d*) of the Act, the expression "Court" means a principal Civil Court of original jurisdiction unless the Government has appointed a special judicial officer within any specified local limits to perform the functions of the Court under Act.

Generally, cases under the Land Acquisition Act are tried by the District Courts, but sometimes under Section 3 (*d*) Additional Subordinate Judges are invested by Government with the powers of a Court under the Act. In a case or two where appeals had been preferred against the awards of the Additional Subordinate Judge who had been appointed under that section, pleas were raised that the Judge was a Special Officer and not a Court, and that therefore an appeal did not lie from his award to the High Court under Section 54 of the Act. In order to remove such an ambiguity, it is considered desirable to amend the definition of "Court" contained in Section 3 (*d*) of the Act, so as to indicate clearly that appeals under Section 54 will lie to the High Court irrespective of whether the award is one made by a "Court" of original civil jurisdiction or a court specially empowered by Government or a Special Judicial Officer appointed by Government under Section 3 (*d*) of the Act.

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226

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BANGALORE, THURSDAY, DECEMBER 12, 1940.

## PART IV.

### Legislative Measures and Rules thereunder.

### NOTIFICATIONS.

*No. G.* 5080 —*P. H.* 136-39-8, *dated Bangalore, the* 10*th December* 1940.

Under section 20 E. of the Mysore Prevention of Adulteration Act, IX of 1921 as amended from time to time, the Government of His Highness the Maharaja of Mysore propose to issue the following amendment to rule (21) (b) (1) of the rules issued in Government Notification No. G. 798-P. H. 136-39-3, dated 29th July 1940, for Coffee. Any objections or suggestions to the proposed amendment, if made to the undersigned within a month from the date of this notification will be duly considered.

By Order,

C. E. NORONHA,

*Secretary to Government,*
*Development Department.*

*Amendment.—Section (21) (b) (i)*

"A proportion of complete extractive matter in boiling water which is not more than 30 per cent or not less than 25 per cent."

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*No. G.* 5082—*P. H.* 136-39-9, *dated Bangalore, the* 10*th December* 1940.

**ERRATUM.**

For the figure "41·0—4·0" appearing under the heading "Refractive index at 40°C against "mixed ghee" in rule 19 of the rules issued in Government Notification No. G. 798—P. H. 136-39-3, dated 29th July 1940, *read* "41·0—44·0."

By Order,

C. E. NORONHA,

*Secretary to Government,*
*Development Department.*

*No.* 3059—*L. C., Bangalore, dated* 5*th December* 1940.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Contempt of Courts (Amendment) Bill is published for general information with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,

*Secretary,*
*Mysore Legislative Council.*

## The Contempt of Courts (Amendment) Bill.

WHEREAS it is expedient to amend the Contempt of Courts Act, 1930:—

It is hereby enacted as follows:—

1. (1) This Act may be called the Contempt of Courts (Amendment) Act, 194 . Short title and commencement.

(2) It shall come into force at once.

2. In section 2 of the Contempt of Courts Act, 1930, the words "in respect of any pending judicial proceedings, civil or criminal" occurring at the end and the Explanation to that section shall be omitted. Amendment of section 2, Act XI of 1930.

STATEMENT OF OBJECTS AND REASONS.

The Contempt of Courts Act, 1930, was modelled largely on the corresponding enactment of British India. Departing from that enactment, however, it provided that acts of contempt committed in respect of pending judicial proceedings only shall be punishable.

It is considered desirable to remove this limitation and bring the Act into line with the provision of law in British India on the subject. The effect of the proposed amendment will be that any act intended to bring into contempt or lower the authority of a Judge or a Court may be dealt with as contempt of court.

*No.* 3068—*L. C., Bangalore, dated 6th December* 1940.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Mysore City Municipalities (Amendment) Bill is published for general information with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,

*Secretary,*

*Mysore Legislative Council.*

## The Mysore City Municipalities (Amendment) Bill.

WHEREAS it is expedient further to amend the Mysore City Municipalities Act, 1933.

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Mysore City Municipalities (Amendment) Act, 194 .

(2) It shall come into force at once.

Addition of new section 102-A in Act VII of 1933.

2. After section 102 of the Mysore City Municipalities Act, 1933, the following section shall be added as section 102-A thereof, namely :—

Penalty for non-payment of tax.

"102-A. In the event of non-payment of any tax imposed under section 64 within fifteen days from the date of service of notice of demand under sub-section (3) of section 95, and without prejudice to the other provisions of this Chapter, the person failing to pay such tax shall, on conviction before a magistrate, be liable to a fine not exceeding twice the amount of tax found to be due."

### STATEMENT OF OBJECTS AND REASONS.

The present procedure for the recovery of assessed taxes in the City Municipalities is laid down in Chapter VIII of the City Municipalities Act, 1933. It has been brought to the notice of Government that the existing provisions of law are inadequate to enable the City Municipal Councils to collect the taxes speedily and to the fullest extent. Both the Municipal Commissioner, Bangalore City and the President, Mysore City Municipal Council, have stated that it is necessary to insert a provision in the Act empowering the Municipal Councils to collect the assessed taxes from defaulters by recourse to prosecution.

There is a provision of this kind in the Municipal Laws of the Civil and Military Station, Bangalore.

It is accordingly proposed to amend the Mysore City Municipalities Act, 1933.

*No. L. C.*—3070, *dated Bangalore, the 6th December* 1940.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying

Mysore Election Offences and Inquiries Bill is published for general information with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,
*Secretary to Government,*
*Mysore Legislative Council.*

## THE MYSORE ELECTIONS OFFENCES AND INQUIRIES BILL.

### Statement of Objects and Reasons.

The recent enactment of the Government of Mysore Act, 1940, has resulted in a considerable widening of the franchise. The franchise for the District Boards in the State, which is the same as for the Representative Assembly, has also been correspondingly widened.

As elections will therefore play an important part in the new public life of Mysore, it is considered desirable that the public conscience should be markedly drawn to the danger of corrupt practices in relation to the franchise, whether that franchise relates to legislative or other bodies. It is of the greatest importance, in order to safeguard the free and unhampered exercise of the vote and to secure the successful working of the system of election, that the principle of the purity of the franchise should be insisted on in the criminal law of the country.

The Joint Parliamentary Committee appointed to report on the Government of India (Amendment) Bill, 1919, recommended the enactment of such a measure. They said: "The Committee are firmly convinced that a complete and stringent Corrupt Practices Act should be brought into operation before the first election to the Legislative Councils. There is no such Act at present in existence in India and the Committee are convinced that it will not be less required in India than it is in other countries." The Indian Elections Offences and Inquiries Act, 1920, was accordingly passed into law in September 1920.

The present Bill is modelled on the British Indian measure and it is made up of two parts. The first part

makes certain amendments to the Indian Penal Code, as in force in Mysore, and the Criminal Procedure Code. This part applies not only to elections to the legislative bodies constituted under the Government of Mysore Act, 1940, but to elections to all public bodies generally. It penalises the five new offences created by this Bill, namely, bribery, undue influence, personation, the publication of false statement and the failure to keep election accounts.

Part II applies only to elections to legislative bodies constituted under the Government of Mysore Act, provision being made for the conduct of inquiries in regard to disputed elections to them. The Commissioner appointed to hold such inquiries will have the powers of a Court under the Code of Civil Procedure, 1911, when trying a suit. The provisions of the Indian Evidence Act, 1872, as in force in Mysore will apply to such inquiries. In addition to certain other incidental provisions, this Part also enacts that a person convicted under Chapter IX-A of the Indian Penal Code, as in force in Mysore, will be disqualified from certain appointments and offices. Government are, however, given the power to remove such disqualifications in any particular case. Provision is also made for the maintenance of secrecy of voting.

## The Mysore Elections Offences and Inquiries Bill.

[*A Bill to provide for the punishment of malpractices in connection with elections, and to make further provisions for the conduct of inquiries in regard to disputed elections to the Chambers constituted under the Government of Mysore Act, 1940.*]

WHEREAS it is expedient to provide for the punishment of malpractices in connection with elections, and to make further provision for the conduct of inquiries in regard to disputed elections to the Chambers constituted under the Government of Mysore Act, 1940;

It is hereby enacted as follows:—

### Preliminary.

Short title and extent.

1. (1) This Act may be called the Mysore Election Offences and Inquiries Act, 194 .

(2) It extends to the whole of Mysore.

## PART I.

### OF OFFENCES RELATING TO ELECTIONS.

Amendments to the Indian Penal Code as applied to Mysore.

2. (1) In Section 21 of the Indian Penal Code, as in force in Mysore, after the twelfth entry, the following shall be inserted, namely,—

"*Thirteenth.*—Every person who holds any office in virtue of which he is empowered to prepare, publish, maintain or revise an electoral roll or to conduct an election or part of an election;"

and after *Explanation* 2, the following shall be added, namely,—

"*Explanation* 3.—The word 'election' denotes an election for the purpose of selecting members of any legislative, municipal or other public authority, of whatever character, the method of selection to which he is by, or under, any law prescribed as by election."

(2) After Chapter IX of the same Code the following Chapter shall be inserted, namely,—

## CHAPTER IX-A.

### "OF OFFENCES RELATING TO ELECTIONS.

171-A. For the purposes of this Chapter—

"Candidate" and "electoral right" defined.

(*a*) "Candidate" means a person who has stood or claims to have stood as a candidate at any election and includes a person who, when an election is in contemplation, holds himself out as a prospective candidate thereat:

Provided that he has subsequently stood as a candidate at such election.

(*b*) "Electoral right" means the right of a person to stand, or not to stand as, or to withdraw from being, a candidate or to vote or refrain from voting at an election.

171-B. (1) Whoever—

Bribery.

(i) gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercised any such right; or

(ii) accepts either for himself or for any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right, commits the offence of bribery :

Provided that a declaration of public policy or a promise of public action shall not be an offence under this section.

(2) A person who offers, or agrees to give, or offers or attempts to procure, a gratification shall be deemed to give a gratification.

(3) A person who obtains or agrees to accept or attempts to obtain a gratification, shall be deemed to accept a gratification, and a person who accepts a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward.

Undue influence at elections.

171-C. (1) Whoever voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election.

(2) Without prejudice to the generality of the provisions of sub-section (1), whoever—

(*a*) threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind, or

(*b*) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of divine displeasure or of spiritual censure,

shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter, within the meaning of sub-section (1).

(3) A declaration of public policy or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this section.

Personation at election.

171-D. Whoever at an election applies for a voting paper or votes in the name of any other person, whether living or dead, or in a fictitious name, or who having voted once at such election applies at the same election

for a voting paper in his own name, and whoever abets, procures or attempts to procure the voting by any person in any such way, commits the offence of personation at an election.

Punishment for bribery.

171-E. Whoever commits the offence of bribery shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or both:

Provided that bribery by treating shall be punished by fine only.

*Explanation.*—"Treating" means that form of bribery where the gratification consists in food, drink, entertainment or provision.

Punishment for undue influence or personation at an election.

171-F. Whoever commits the offence of undue influence or personation at an election shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

False statement in connection with an election.

171-G. Whoever with intent to affect the result of an election makes or publishes any statement purporting to be a statement of fact which is false and which he either knows or believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate shall be punished with fine.

Illegal payments in connection with an election.

171-H. Whoever without the general or special authority in writing of a candidate, incurs or authorises expenses on account of the holding of any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, shall be punished with fine which may extend to five hundred rupees:

Provided that if any person having incurred any such expenses not exceeding the amount of ten rupees without authority obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate.

Failure to keep election accounts.

171-I. Whoever, being required by any law for the time being in force or any rule having the force of law to keep accounts of expenses incurred at or in connection with an election fails to keep such accounts, shall be punished with fine which may extend to five hundred rupees."

Amendment of the Code of Criminal Procedure.

3. (1) In Section 196 of the Code of Criminal Procedure, 1904, after the words, "Chapter VI" the words "or IX-A" shall be inserted.

(2) In Schedule II to the same Code after the entries relating to Chapter IX of the Indian Penal Code, as in force in Mysore, the following shall be added, namely :—

CHAPTER IX-A.—OFFENCES RELATING TO ELECTIONS.

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 171-E | Bribery ... | Shall not arrest without warrant | Summons | Bailable | Not compoundable | Imprisonment of either description for one year, or fine, or both or if treating only, fine only. | District Magistrate or Magistrate of the First Class. |
| 171-F | Undue influence and personation at an election. | | | | | Imprisonment of either description for one year, or fine or both. | |
| 171-G | False statement in connection with an election. | | | | | Fine ... | |
| 171-H | Illegal payments in connection with elections. | | | | | Fine of 500 rupees ... | |
| 171-I | Failure to keep election accounts. | | | | | Do ... | |

## PART II.

### ELECTION INQUIRIES AND OTHER MATTERS.

Definitions.

4. In this Part, unless there is anything repugnant in the subject or context,—

(*a*) "costs" means all costs, charges and expenses of, or incidental to, an enquiry;

(*b*) "election" means an election to either the Representative Assembly or the Legislative Council constituted under the Government of Mysore Act, 1940;

(*c*) "inquiry" means an inquiry in respect of an election by a commissioner appointed for that purpose by the Government;

(*d*) "pleader" means any person entitled to appear and plead for another in a Civil Court, and includes an advocate of the High Court.

Powers of Commissioner.

5. A Commissioner appointed to hold an inquiry shall have the powers which are vested in a Court under the Civil Procedure Code, 1911, when trying a suit, in respect of the following matters :—

(*a*) discovery and inspection,

(*b*) enforcing the attendance of witnesses, and requiring the deposit of their expenses,

(*c*) compelling the production of documents,

(*d*) examining witnesses on oath,

(*e*) granting adjournments,

(*f*) reception of evidence taken on affidavit, and

(*g*) issuing commissions for the examination of witnesses,

and may summon and examine *suo moto* any person whose evidence appears to him to be material; and shall be deemed to be a Civil Court within the meaning of sections, 480 and 482 of the Code of Criminal Procedure, 1904.

*Explanation.*—For the purposes of enforcing the attendance of witnesses, the local limits of the Commissioner's jurisdiction shall be the whole of Mysore.

Application of Act I of 1872 to enquiries.

6. The provisions of the Indian Evidence Act, 1872, as in force in Mysore, shall, subject to the provisions of this Act, be deemed to apply in all respects to an inquiry.

Documentary evidence.

7. Notwithstanding anything in any enactment to the contrary, no document shall be inadmissible in evidence on the ground that it is not duly stamped or registered.

Obligation of witness to answer. Certificate of indemnity.

8. No witness shall be excused from answering any question as to any matter relevant to a matter in issue in an inquiry upon the ground that the answer to such question will criminate or may tend, directly or indirectly, to criminate him; or that it will expose or tend, directly or indirectly, to expose him to a penalty or forfeiture of any kind:

Provided that—

(1) no person who has voted at an election shall be required to state for whom he has voted; and

(2) a witness who, in the opinion of the Commissioner has answered truly all questions which he has been required by the Commissioner to answer shall be entitled to receive a certificate of indemnity, and such certificate may be pleaded by such person in any court and shall be deemed to be a full and complete defence to or upon any charge under Chapter IX-A of the Indian Penal Code, as in force in Mysore, arising out of the matter to which such certificate relates, nor shall any such answer be admissible in evidence against him in any suit or other proceedings.

(3) Nothing in sub-section (1) shall be deemed to relieve a person receiving a certificate of indemnity from any disqualification in connection with an election imposed by any law or any rule having the force of law.

Appearance by pleader.

9. Any appearance, application or act before the Commissioner may be made or done by the party in person or by a pleader duly appointed to act on his behalf:

Provided that any such appearance shall, if the Commissioner so directs, be made by the party in person.

Expenses of witnesses.

10. The reasonable expenses incurred by any person in attending to give evidence may be allowed by the Commissioner to such person, and shall, unless the Commissioner otherwise directs, be deemed to be part of the costs.

Costs and pleader's fees, etc.

11. (1) Costs shall be in the discretion of the Commissioner, and the Commissioner shall have full power to determine by and to whom and to what extent such costs are to be paid and to include in his report all necessary recommendations for the purposes aforesaid. The Commissioner may allow interest on costs at a rate not exceeding six per cent per annum, and such interest shall be added to the costs.

(2) The fees payable by a party in respect of fees of his adversary's pleader shall be such fees as the Commissioner may allow.

Execution of orders as to costs.

12. Any order made by the Government on the report of the Commissioner regarding the costs of the inquiry may be produced before the principal civil court of original jurisdiction within the local limits of whose jurisdiction any person directed by such order to pay any sum of money has a place of residence or business, and such court shall execute such order or cause it to be executed in the same manner and by the same procedure as if it were a decree for the payment of money made by itself in a suit.

Disqualification of persons found guilty of election offences.

13. Any person who has been convicted of an offence under section 171-E or 171-F of the Indian Penal Code, as in force in Mysore, or has been disqualified from exercising any electoral right, for a period of not less than four years on account of malpractices in connection with an election shall be disqualified for four years from the date of such conviction or disqualification from—

(*a*) being appointed to, or acting in, any judicial office ;

(*b*) being elected to any office of any local authority when the appointment to such office is by election, or holding or exercising any such office to which no salary is attached ;

(*c*) being elected or sitting or voting as a member of any local authority ; or

(*d*) being appointed or acting as a trustee of a public trust :

Provided that the Government may exempt any such person from any such disqualification.

Maintenance of secrecy of voting.

14. (1) Every officer, clerk, agent or other person who performs any duties in connection with the recording or counting of votes at an election shall maintain and aid in maintaining the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who wilfully acts in contravention of the provisions of this section shall be punished with imprisonment of either description for a term not exceeding three months or with fine or with both.

Special provision as to elections under the Government of Mysore Act, 1940.

15. This part of the Act shall have effect subject to any relevant provision of any Rules, or orders made under the Government of Mysore Act, 1940.

*No.* 3082 *L. C., Bangalore, dated 9th December* 1940.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Mysore Rubber Control Bill is published for general information, with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,

*Secretary,*

*Mysore Legislative Council.*

## THE MYSORE RUBBER CONTROL BILL.

*(A bill to provide for the control of the export from and import into Mysore of rubber and for the control of extension of the cultivation of rubber in Mysore.)*

WHEREAS it is expedient to provide for the control of the export from and import into Mysore of rubber and for the control of the extension of the cultivation of rubber in Mysore;

It is hereby enacted as follows:—

Short title, extent, commencement and duration.

1. (1) This Act may be called the Mysore Rubber Control Act, 194 .

(2) It extends to the whole of Mysore.

(3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

(4) It shall remain in force only up to the 31st December 1943, but the Government may, by notification in the official Gazette, direct that it shall remain in force for such further period as may be specified in any such notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context:—

(*a*) "Committee" means the Indian Rubber Licensing Committee constituted by the Governor-General in Council under the Indian Rubber Control Act, 1934;

(*b*) "to export" means to take out of Mysore by land, sea or air to any place outside India or to any place specified by the Government in this behalf by notification in the official Gazette;

(*c*) "owner" includes any agent of an owner;

(*d*) "prescribed" means prescribed by rules made under this Act;

(*e*) "to plant" means to propagate a rubber plant from seed or any living portion of the rubber plant that may be used to propagate it; "new planting" means planting in an area which has not since the first day of January 1939, carried any rubber plants or substituting in an area carrying rubber plants, and other growths, rubber growths for those other growths; "to replant" means to plant, in such circumstances as not to constitute new planting, on any one acre of an area carrying rubber plants on the first day of January 1939, more than thirty rubber

plants; and "to supply" means so to plant on any one acre of such area thirty rubber plants or less;

(*f*) "rubber" means—

(i) crude rubber, that is to say rubber prepared from the leaves, bark or latex of any rubber plant,

(ii) the latex of any rubber plant, whether fluid or coagulated, in any stage of the treatment to which it is subjected during the process of conversion into rubber, and

(iii) latex in any state of concentration, and includes, for the purposes of regulating export, the rubber content of any article manufactured wholly or partly from crude rubber in India;

(*g*) "rubber plant" includes plants, trees, shrubs and vines, and any leaves, flowers, seeds, buds, twigs, branches, roots and any living portion thereof, that may be used to propagate any of the following, namely:—

(i) *Hevea Braziliensis* (Para rubber),

(ii) *Manihot Glaziovil* (Ceara rubber),

(iii) *Castilloa elastica*,

(iv) *Ficus elastica* (Rambong),

(*v*) Any other plant, tree, shrub or vine which the Government may, by notification in the official Gazette, declare to be a rubber plant for the purpose of this Act.

## CHAPTER I.

### CONTROL OVER THE EXPORT OF RUBBER.

Limitation of application of Act.

3. Nothing in this Act shall apply to the export of rubber by parcel post or to the re-export of rubber contained in imported manufactured articles.

Control of export of rubber.

4. (1) No rubber grown, produced or contained in an article manufactured in India shall be exported unless covered by a licence and a certificate of origin issued by the Government.

(2) No rubber grown or produced in any country other than India shall be re-exported unless covered by a certificate of origin issued by an official empowered in that behalf by the Government of such country and endorsed by or on behalf of the Government.

## CHAPTER II.

### CONTROL OVER THE EXTENSION OF RUBBER CULTIVATION.

Control of cultivation of rubber.

5. So long as this Act remains in force, no person shall, save in pursuance of a written permission granted by the Government under this Act,—

(*a*) carry out new planting of rubber plants on any land except for the purpose of supply, or

(*b*) after the expiry of the year 1940, replant any land with rubber plants where any limitations on such replanting have been imposed under sub-section (2) of Section 8.

Permission for new planting.

6. (1) The total area in Mysore in respect of which permission for new planting otherwise than for the purpose of supply may be granted shall not in any period exceed such area as the Government may, by notification in the official Gazette, designate as being fixed in this behalf for that period by the International Rubber Regulation Committee:

Provided that such area may be modified to provide for such transfers of permissions for new plantings between Mysore and British India or an Indian State as may be consented to by the Committee under this Act and under any law or order having the force of law of British India or of the Indian State concerned.

(2) Any such permission granted for new planting shall cease to be of effect at the end of the particular period referred to in sub-section (1) within which it was granted.

(3) Replanting shall be subject to such limitations, if any, as the Government may, by notification in the official Gazette, designate as imposed in this behalf by the International Rubber Regulation Committee.

(4) Where under sub-section (3) any limitations have been imposed on replanting, the provisions of sections 7 and 8 shall apply to permissions to replant as they apply to permissions for new planting.

Transfer of permission for new planting.

7. Where provision in this behalf is made by or under any law or order having the force of law of British India or of an Indian State, a permission for new planting granted under this Act or under such law or order may be transferred, wholly or in part, to or from British India or that Indian State, as the case may be.

Application for permission to plant or replant.

8. (1) Application for permission for new planting of land with rubber plants shall be made to the Government in such form as the Government may specify and shall contain a clear statement of all special circumstances justifying the application.

(2) Subject to the provisions of sections 5 and 6 the Government may grant or refuse the permission applied for, or may call for further information from the applicant.

Power of the Government to call for return and to inspect estates.

9. (1) The Government may serve by post a notice upon the owner of any rubber estate, requiring him to furnish, within such period not being less than thirty days as may be specified in the notice, such documents, plans or returns relating to the cultivation of rubber plants on the estate as it may deem necessary.

(2) Any person authorised by the Government in this behalf, may, at any reasonable time, enter upon and inspect any portion of any rubber estate, and may require the owner of the estate to produce for inspection any record from the estate in his control or custody relating to the cultivation of rubber plants on the estate.

(3) When any return required under sub-section (1) in respect of any rubber estate is not furnished to the Government within the period specified in the notice, the Government may refuse to grant any permission under section 6 for new planting of rubber plants on that estate or may cancel any such permission already given.

## CHAPTER III.

### SUPPLEMENTAL.

Prohibition of export of rubber plants except under permit, etc., of the Government.

10. No person shall export rubber plants unless covered by a permit issued by and subject to such conditions as may be prescribed by the Government.

Delegation of powers, etc.

11. (1) The Government may delegate the powers conferred on it by sections 4, 5, 6, 7, 8, 9 and 10 to the Committee.

(2) When the powers are so delegated to the Committee—

(*a*) any applicant aggrieved by an order of the Committee under section 6 or 8 may appeal to the

Government within sixty days from the date thereof and the Government may cancel, modify or suspend any such order;

(*b*) the records of the Committee relating to the proceedings under Chapters II and III shall be open to inspection at all reasonable times by any officer authorised in this behalf by the Government and;

(*c*) no order under sub-section (2) of section 8 shall be called in question by any court.

## CHAPTER IV.

### PENALTIES AND PROCEDURE.

Penalty for illicit import or export.

12. A breach of the provisions of section 4, or section 10 shall be punishable with fine which may extend to rupees one thousand and shall also render the rubber exported liable to confiscation.

Penalty for making false return.

13. Any owner of a rubber estate who has furnished any return under sub-section (1) of section 9, containing any particular which is false and which he knew to be false or did not believe to be true, shall be punishable with fine which may extend to one thousand rupees.

Penalty for obstructing inspection, etc.

14. Whoever obstructs any person authorised by the Government while such person is entering upon or inspecting any rubber estate under sub-section (2) of section 9, and whoever, having control over or custody of any records of a rubber estate relating to the cultivation of rubber plants on the estate, refuses or fails to produce such records when required by the Government or by a person authorised by the Government under that sub-section shall be punishable with fine which may extend to one thousand rupees.

Penalty for illicit cultivation.

15. Whoever carried out new planting of rubber plants or causes such new planting to be carried out or replants or causes to be replanted in any land in contravention of section 5 shall be punishable with fine which may extend to one thousand rupees for the first offence, and with fine which may extend to five thousand rupees for any subsequent offence.

Removal of rubber plants planted without permission.

16. Where any person has been convicted of any offence under section 15, the convicting court shall direct that the rubber plants in respect of which the offence was

committed shall be removed from the land within a prescribed time, and in the event of the order not being duly complied with, shall cause the rubber plants to be removed and recover the cost from the person convicted as if it were an arrear of land revenue due on the rubber estate on which the offence was committed.

Trial of offences under sections 12 13, 14 and 15

17. No Magistrate other than the magistrate of the first class shall take cognisance of an offence under sections 12, 13, 14, or 15 and such magistrate may take cognisance of such an offence only upon complaint made by an officer authorised by the Government in this behalf and with the previous sanction of the Government.

## CHAPTER V.

### RULES.

Power to make rules.

18. (1) The Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) Such rules may provide that a breach thereof shall be punishable with fine which may extend to one thousand rupees.

### STATEMENT OF OBJECTS AND REASONS.

In 1934, representatives of the rubber interests in the main rubber producing countries formulated an international scheme for the restriction of the export, production and stocks of rubber to meet the difficulties consequent on the catastrophic fall in prices. By virtue of their accession to this Agreement, the Government of India were committed to give legislative sanction to the scheme and accordingly enacted the Indian Rubber Control Act, 1934.

This Act and the International Agreement of 1934 were due to expire on the 31st December 1938. As the scheme was, however, found beneficial to the country, a revised Agreement was entered into for a further period of five years from 1st January 1939. To give effect to certain legislative changes involved in the new Agreement and to extend the Act during the minimum period of the Agreement, an amending Act has been passed in British India.

The holders of land in Mysore on which rubber can be grown approached Government with a request that the further extension of rubber cultivation in Mysore might be prohibited in conformity with the international scheme mentioned above. A notification was accordingly issued in June 1939 prohibiting the new planting of rubber in Mysore.

In order, however, to get the benefit of the provisions of the revised Agreement relating to the transfer to Mysore from British India or another Indian State or *vice versa* of licenses to plant rubber, legislation is necessary.

The Bill follows in the main the Indian Rubber Control Act.

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*No.* 3091—*L. C., dated Bangalore, the* 10*th December* 1940.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Mysore Elementary Education Bill is published for general information with the statement of objects and reasons.

By Order,
H. V. NARAYANA RAO,
*Secretary,*
*Mysore Legislative Council.*

## THE MYSORE ELEMENTARY EDUCATION BILL.

**(A Bill to amend and consolidate the law relating to Elementary Education in Mysore.)**

WHEREAS the existing arrangement under which the control and management of Elementary Education by the Local Education Authorities has failed to produce the anticipated results; and WHEREAS it has become necessary for the Government to resume control of Elementary Education in order to make more satisfactory provision

for its progressive expansion, it is hereby enacted as follows:—

## CHAPTER I.

### PRELIMINARY.

1. (1) This act may be called the Mysore Elementary Education Act, 1940.

(2) It extends to the whole of Mysore.

(3) All the provisions of this Act shall come into force on and from the first day of July 1941, except the provisions of Chapter VI which shall come into force in such areas and on and from such date or dates as the Government may, by notification in the official Gazette appoint.

2. (1) The Mysore Elementary Education Act, 1930, is hereby repealed.

(2) Notwithstanding such repeal, any rules made, any notifications issued, anything done and any action taken in exercise of any power conferred by the said Act shall, in so far as they are not inconsistent with any of the provisions of this Act be deemed to be made, issued, done or taken under this Act.

(3) Save where the context otherwise requires, expressions defined in the said Act shall, notwithstanding such repeal, carry the same meanings whenever used in this Act.

3. In this Act unless there is anything repugnant in the subject or context:—

(1) "District" means any local area which for the purposes of the revenue administration is under the charge of a Deputy Commissioner or which, for the purposes of this Act, the Government may by notification declare to be a District;

(2) "District Board" means a District Board constituted under the Mysore District Boards Act, 1926;

(3) "Municipality" or "Municipal Council" means a Municipality or Municipal Council constituted under the Mysore Municipalities Acts, 1933;

(4) "Education Department" means the Director of Public Instruction in Mysore and any officer or

authority subordinate to him, to whom any of his functions may be delegated by the Government;

(5) "Elementary Education" means the courses extending over a period of not less than four years and provided in Kannada, Urdu or other vernacular language in such subjects and up to such standards as may be prescribed or approved, from time to time, by the Government for the purposes of this Act;

(6) "Elementary School" means a school established or maintained by the Government and providing Elementary Education or recognised as an Elementary School under the provisions of this Act;

(7) "Parent" includes the guardian and every person who is liable to maintain or has the actual custody of any child;

(8) "Prescribed" means prescribed by rules made by the Government under this Act.

## CHAPTER II.

### TRANSFER OF PROPERTY AND CONTROL TO THE GOVERNMENT.

4. All property and all rights of whatever kind used, enjoyed or possessed by, and all interests of whatever kind owned by or vested in, or held in trust by or for, any Local Education Authority, including all moneys standing to the credit of the Elementary Education Fund, constituted under the Mysore Elementary Education Act, 1930, and administered by such authority, as well as all liabilities legally subsisting against such authority shall, on and from the date of commencement of this Act, pass to the Government.

5. On and from the date of commencement of this Act, the management of and control over Elementary Education in Mysore shall vest in the Government.

6. All teachers and menials serving in Elementary Schools maintained hithertofore by Local Education Authorities shall, on and from the date of commencement of this Act, be transferred to and become servants of the Government, and shall become subject to all rules and orders which apply to service under the Government.

## CHAPTER III.

### ELEMENTARY EDUCATION FUND.

7. There shall be constituted in each District an Elementary Education Fund to which shall be credited :—

(*i*) all moneys standing to the credit of the Elementary Education Fund, constituted under the Mysore Elementary Education Act, 1930, for the area of such District or part of such District and vesting in the Government under Section 4.

(*ii*) all amounts provided by the Government for Elementary education in such District,

(*iii*) the amount of all collections from education cess levied in such district, except such amount as was expended for purposes other than Elementary education and charged to education cess prior to the date of commencement of this Act and continued to be so charged thereafter by the Government.

(*iv*) all fines and penalties levied under this Act in respect of cases arising within such District, and

(*v*) all fees collected within such District for the purposes specified in the proviso to section 24.

8. All expenses incurred by the Government on Elementary education in any District shall be paid out of the Elementary Education Fund for that District.

### (2) EDUCATION CESS AND CONTRIBUTIONS BY LOCAL AUTHORITIES.

9. The Government may, for carrying out the purposes of this Act, levy throughout or in any specified part of Mysore, an education cess or an additional education cess on such items of State revenue, revenue forming part of a District Fund, and Muncipal tax, and at such rates, as it may deem necessary.

10. Any education cess hitherto levied or any cess levied or collected for the purposes of Elementary Education by a District Board, Municipal Council or any other local authority under the provision of the Mysore Elementary Education Act, 1930, shall, notwithstanding its repeal, be continued to be levied in the same manner and to the

same extent as heretofore and shall be paid to the Government in such manner as may be prescribed.

## CHAPTER IV.

### DISTRICT EDUCATION COMMITTEES AND THE CENTRAL EDUCATION BOARD.

11. There shall be constituted for each District a District Education Committee consisting of a Chairman and such number of members as the Government may prescribe.

12. (1) In Districts where District Boards are in existence, such District Boards, and in other districts such Local Authority as the Government may prescribe, shall be entitled to elect one half the number of members of the District Education Committee, in such manner as may be prescribed.

(2) The other half of the members of the Committee shall be appointed by the Government, which, in making such appointments shall have regard to the representation of Urdu, Depressed Class and Girls' educational interests and of Municipalities.

13. The Government may appoint one of the members of the District Education Committee to be its chairman or it may authorise the Committee to elect its Chairman in such manner as may be prescribed and subject to the approval of the Government.

14. The term of a District Education Committee shall expire with that of the District Board or other Local Authority entitled to elect members to it;

Provided that a District Education Committee shall be deemed to continue until a new Committee has been constituted for the District.

15. Casual vacancies occurring during the term of a District Education Committee shall be filled up by nomination of election, as the case may be, for the remaining period of its term.

16. The Government may appoint for each District Education Committee a Secretary from amongst its members.

17. The District Education Committee shall ordinarily meet once a year or at such other time or times as the Government may direct and consider any plans or programmes for the expansion and development of Elementary education in its District for the year next succeeding such meeting which is placed before it and advise upon any matters relating to Elementary education referred to it by the Education Department.

CENTRAL EDUCATION BOARD.

18. There shall be a Central Education Board for Elementary education.

19. Each District Education Committee shall be entitled to elect, in such manner as may be prescribed, one member to represent it on the Central Education Board and the Government shall appoint an equal number of members to it. The President, as well as the Secretary of the Board shall be appointed by the Government.

20. The term of the Central Education Board shall be such as may be prescribed by the Government, provided, however, that a member who is elected by a District Education Committee shall cease to be a member thereof on the expiry of the term of the Committee.

21. Casual vacancies occurring during the term of the Board shall be filled up by election or nomination, as the case may be, for the remaining period of its term.

22. The Central Education Board shall meet at such times and as often as may be prescribed.

23. It shall be the duty of the Central Education Board to—

(i) consider the reports submitted by the District Education Committees, and

(ii) advise upon all such matters as may be referred to it by the Education Department.

## CHAPTER V.

TUITION FEES.

24. No fees shall be charged or other charges of any kind made in any school for Elementary education managed by the Government.

Provided that such amount as may be prescribed shall, if so directed by notification in the official Gazette by the Government, be payable by a parent once in a year in one or more instalments for the medical inspection of a child or for promoting its social or physical training or for readmission of the pupil into the School.

## CHAPTER VI.

### COMPULSORY EDUCATION.

25. In every area to which the provisions of this Chapter have been applied and from such date as they are brought into force, it shall be the duty of the parent of every child between the ages of six and ten residing within such area to cause that child to attend an Elementary School for so many days in the year or such time on each day of attendance as may be prescribed by the Education Department unless there is a reasonable excuse for its non-attendance.

26. (1) Any of the following circumstances is a reasonable excuse for non-attendance:—

(i) that there is no elementary school which the child can attend within a distance of one mile from the residence of the child:

(ii) that the child is prevented from attending school by sickness or infirmity or other unavoidable cause, or

(iii) that the child is receiving instruction in some other satisfactory manner, or

(iv) that the child has been exempted from such attendance by proper authority.

(2) Where a reasonable excuse for non-attendance exists, the parent shall obtain a certificate of exemption from such authority and in such manner as may be prescribed.

27. If religious classes are held in any Elementary School in an area to which the provisions of this Chapter have been applied, no child shall be compelled to attend such classes against the wishes of its parent.

28. No person shall, without the permission of the Education Department in writing, employ during school

hours any child between the ages of six and ten, who is required to attend an Elementary School under this Chapter.

29. A parent who without lawful excuse fails to send to an Elementary School any child who is required to attend school under this Chapter shall, after due warning in such manner and by such authority as may be prescribed, be liable on conviction by a Magistrate to a fine not exceeding two rupees, and to a fine not exceeding ten rupees for a second or subsequent conviction.

30. Any person who knowingly employs any child in contravention of the provisions of section 28, shall, on conviction before a Magistrate be liable to a fine not exceeding twenty rupees.

31. The Government may, for effectively carrying out the provisions of this Chapter, appoint one or more officers or committees for such areas with such powers and duties as may be prescribed.

## CHAPTER VII.

### MISCELLANEOUS.

32. The Government may delegate any of its powers under this Act to the Director of Public Instruction.

33. The Government may for any of the purposes of this Act declare any school providing Elementary education and not established or maintained by it to be an Elementary school and thereupon all the provisions of this Act shall apply to that school as if it were an Elementary school.

34. (1) The Government may make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate,

(i) the levy of education cess under section 9;

(ii) the manner of election to, and the working of, the District Education Committees and the Central Education Board;

(iii) the manner of electing a Chairman to a District Education Committee where the election of a Chairman is authorised;

(iv) the term of the Central Education Board ;

(v) medical inspection and fees for such medical inspection or for promoting social and physical training of children ;

(vi) the authority and the manner of issuing of certificates of exemption ; and

(vii) the authority and the manner of issuing a warning to a parent under section 29.

## THE MYSORE ELEMENTARY EDUCATION BILL.

### Statement of Objects and Reasons.

It has always been the primary concern and the declared policy of Government to provide for the progressive expansion and development of elementary education in the State, with a view to reaching the goal of universal elementary education.

The culmination of this policy was reached in 1930 when local bodies were completely invested with powers for providing and controlling elementary education in their areas. The expectation then entertained that a great fillip would be given to the expansion of elementary education by this step has however not been realised. There has been no increase either in the number of schools or in the number of scholars. To investigate into the causes for this slow progress, a committee was constituted in 1937 which was also requested to suggest measures for securing better results. After reviewing the situation with considerable thoroughness and care the committee has come to the conclusion that it would be far better for Government to resume control over elementary education.

The present Bill repeals and supersedes the Elementary Education Act, 1930. It vests the Government with the management and control of elementary education in Mysore. Provision is also made for the constitution of representative bodies—District Committees, one for each district, and a Central Board for the whole State. A District Committee will consist of members elected by the District Board concerned, an equal number being nominated by Government in order to give adequate representation for Urdu education, Depressed Class and

Girls' Education and Municipalities. Its main function will be to consider plans and programmes for the expansion and development of primary education in its jurisdiction with the financial resources available.

The Central Board will consist of representatives sent by the District Committees, each committee having one representative on the Board and the Government nominating an equal number. Its functions will be to co-ordinate the efforts of District Committees, to examine the proposals and plans, and to advise Government on questions of policy.

Each district will continue to have a fund made up of the items now credited to Elementary Education Funds in the respective districts.

It is hoped that the management by Government, aided by the advice of the Central Board and the several District Committees will help to carry forward to a substantial extent the expansion, consolidation and improvement of elementary education in the State.

Printed by the Superintendent at the Government Press, Bangalore.

Regd. No. M.—1175

254

# The Mysore Gazette

## (SUPPLEMENTAL)

Vol. 75.] PUBLISHED BY AUTHORITY. [No. 48

BANGALORE, THURSDAY, DECEMBER 19, 1940.

PART IV.

**Legislative Measures and Rules thereunder.**

NOTIFICATION.

*No. Rl.* 1810—*R. A.* 44-40-15, *dated Bangalore, the* 19*th December* 1940.

Under the provisions of Rule 148 of the Legislative Council Rules and Rule 169 of the Representative Assembly Rules, it is proposed to fix the maximum scale of expenditure (including the personal expenses of candidates) which a candidate may incur for his election to the Legislative Council or Representative Assembly at a uniform rate of one anna per registered elector in the constituency subject to the following maxima:—

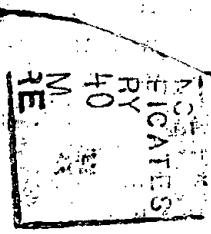
| | Rs. |
|---|---|
| For constituencies which do not extend beyond one taluk .... .... | 500 |
| For constituencies comprising two or more taluks in the same district .... | 750 |
| For constituencies comprising two or more districts .... .... | 1,000 |

Provided that in constituencies where the number of voters is less than 1,600 an expenditure up to Rs. 100 shall be permitted.

The above scale is published for the information of all those whom it may concern and the objections or comments, if any, on the above may be sent to the Secretary to Government, Law Department, so as to reach him on or before the 27th of December 1940.

By Order,

H. V. NARAYANA RAO,
*Secretary to Government,*
*Law Department.*



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256

# The Mysore Gazette

Vol. 75.] PUBLISHED BY AUTHORITY. [No. 48

BANGALORE, THURSDAY, DECEMBER 19, 1940.

## PART IV.

### Legislative Measures and Rules thereunder.

### NOTIFICATIONS.

*No. D.* 2725—*I. & C.* 453-39-12, *dated Bangalore, the* 11*th December* 1940.

Further to Government Notification No. D. 4231—I. & C. 453-39-3, dated 18th March 1940, prescribing the manner in which coffee husk shall be rendered unfit for human consumption, the Government of His Highness the Maharaja of Mysore are pleased to direct that the following methods may also be employed for the purpose :—

1. Mixing six parts by weight of coffee husk with one part of Neem poonac (ಬೇವಿನ ಹಿಂಡಿ).

2. Spraying the coffee husk, thoroughly with a solution of Copper-sulphate.

*No. A. F.* 4250—*J. S.* 4-40-5, *dated Bangalore, the* 13*th December* 1940.

In exercise of the powers vested in them under Section 144 (2) of the Mysore Companies Act, XVIII of 1938, the Government of His Highness the Maharaja of Mysore are pleased to frame the following amendment to Rule 3 of the rules relating to the grant of Auditors' Certificates.

"*Add* the following as Rule 3 (*c*) to the Rules and renumber the existing Rule 3 (*c*) as 3 (*d*) :—

The Applicant shall also produce with his application evidence to the satisfaction of the Registrar of Joint Stock Companies in Mysore that he is competent to audit the accounts in the languages stated in his application.

*Explanation.*—A pass in a University Examination, or a certificate by a Gazetted Officer or a Chamber of Commerce or evidence of having audited accounts in a language for a long number of years will be deemed to be satisfactory evidence for the purpose of this rule."

By Order,

C. E. NORONHA,

*Secretary to Government, Development Department.*

*No. P.* 3032—*Legis.* 2-40-44, *dated Bangalore, the* 12*th December* 1940.

The following Notification of the Government of India, Defence Co-ordination Department, is hereby republished for general information.

By Order,

H. V. NARAYANA RAO,

*Secretary to Government, Law Department.*

## DEFENCE CO-ORDINATION DEPARTMENT.

### NOTIFICATION.

*New Delhi, the 16th November* 1940.

No. 520-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

In rule 39 of the said Rules :—

(*a*) for sub-rule (2), the following sub-rule shall be substituted, namely :—

(2) "Any person who, without lawful authority or excuse, has on any premises in his occupation or under his control any document containing any information likely to assist the enemy, any confidential information or any prejudicial report shall, unless he proves that he did not know, and had no reason to suspect, that the said document contained any such information or report as aforesaid, or that the said document was on such premises without his knowledge or against his consent, be deemed to have contravened this rule."

(*b*) sub-rule (3) shall be omitted.

A. deC. Williams,
Secretary to the Government of India.

*No. P.* 3042—*Legis.* 2-40-45, *dated Bangalore, the 12th December* 1940.

In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are pleased to make the following Order, namely :—

1. This Order may be called the Cargoes and Claims (Information) Order, 1940.

2. In this Order:—

(*a*) The expression "enemy" has the same meaning as in Part XV of the Defence of India Rules, as applied to Mysore.

(*b*) The expression "ship to which this order relates" means a ship owned or controlled by any person who is an enemy.

3. Any person who at the date of this order carries on any undertaking by way of any trade or business and—

(*a*) owns or has any legal or beneficial interest in any cargo lying in a ship to which this Order relates (other than a ship owned or controlled by a person who was an enemy prior to the 9th day of April 1940), or in any cargo which having been landed from such a ship, is in the possession or control of the owner, charterer or master of any such ship; or

(*b*) has or claims to have any cause of action whether in respect of any such cargo or otherwise against any such ship or against the owner, charterer or master thereof,

shall within one month of that date send to the Secretary to the Government of India, Department of Commerce New Delhi, three signed copies of a return in writing, specifying so far as is practicable the following particulars as at that date, that is to say:—

(i) the nature, quantity and value of any such cargo, stating where, and in what ship it is lying or, if not on board ship, where, and in whose possession or control it is;

(ii) the nature of any document in his possession or control evidencing his ownership of or interest in any such cargo;

(iii) the date and amount of any payments made by him in respect of freight charges on any such cargo, stating to whom such payments were made;

(iv) the port of loading and the port of destination of any such cargo; and

(v) the nature and extent of the cause of action that is claimed to exist in respect of any such cargo or otherwise against any ship to which this Order relates, or against the owner, charterer or master thereof.

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*No. T.* 1671—*R. T.* 12-40-12, *dated Bangalore, the* 13*th December* 1940.

The following draft of amendments which Government propose to make in virtue of the powers vested in them under Section 11 of the Mysore Motor Vehicles Act, 1928, and Section 33 of the Mysore Road Traffic and Taxes Act, VI of 1935, to Mysore Motor Vehicles Rules, 1924 issued with Notification No. P. 3015—Legis. 21-22-10, dated 12th December 1924 as amended from time to time and rules regarding public service motor vehicles issued with Notification No. P. 3992—Legis. 46-35, dated 18th December 1935 as amended from time to time, are hereby published for the information of persons likely to be affected thereby and any suggestion or objection in respect of the said draft received on or before the 5th January 1941 will be considered by Government:—

**Draft Amendments.**

For sub-rule (iii) of Rule 16 of the aforesaid Mysore Motor Vehicles Rules, 1924, as amended from time to time substitute the following :—

"(iii) The fee payable for the grant of a driving license shall be rupees five.

The fee for the renewal of a driving license shall be rupees three only if it is presented for renewal previous to and not more than 15 days subsequent to the date on which the license is due to expire and shall be five rupees in any other case, unless the licensing authority is satisfied that the holder was prevented by good cause from presenting the license for renewal within 15 days after its expiry".

For Rule 41 (ii) (*c*) of the rules regarding public service motor vehicles as amended from time to time substitute the following :—

"41 (ii) (*c*) The written authority, *viz.*, the conductor's Pass referred to in sub-rule (ii) of Rule 41 shall be renewed every year.

The fee payable in respect of the renewal of the conductor's Pass shall be four annas if it is presented for renewal previous to, or not more than 15 days subsequent to the date on which the Pass is due to expire and shall be eight annas in any other case, unless the licensing authority is satisfied that the holder was prevented by good cause from applying for the renewal of the Pass within fifteen days after its expiry."

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*No. Rl.* 1708—*R. A.* 19-40-4, *dated Bangalore, the* 16*th December* 1940.

In exercise of the powers vested in them by the Government of Mysore Act, 1940, the Government of His Highness the Maharaja are pleased to direct that the following amendment shall be made in the Representative Assembly Rules, 1940, *viz.*—

In column 3 of part I of the second schedule the words "Deputy Amildar, Sringeri Jahgir Sub-Taluk" shall be substituted for "Assistant Commissioner in charge of Sringeri Jahgir," against the word "Sringeri".

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*No. Rl.* 1730—*L. C.* 7-40-2, *dated Bangalore, the* 17*th December* 1940.

The Government of His Highness the Maharaja are pleased to direct, under the provisions of Rule 59 (*i*) of the Legislative Council Rules, 1940, that the electoral roll of the constituency noted below shall be re-published by the Registration Officer concerned with amendments, if any, on the 23rd December 1940, in the manner noted against it, in addition to the places noted in Notification No. Rl. 915—L. C. 7-40-18, dated 13th November 1940 :—

*European and Indian Planting Constituencies.*—So much of the roll as relates to each taluk, at the Taluk Office.

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*No. T.* 1728—*R. T.* 12-40-14, *dated Bangalore, the* 18*th December* 1940.

The following draft amendments which the Government propose to make in virtue of the powers vested in them under Section 11 of the Mysore Motor Vehicles Act, 1928, and Section 33 of the Mysore Road Traffic and Taxes Act, VI of 1935, to the Mysore Motor Vehicles Rules 1924, and to the Rules regarding Public Service Motor Vehicles, issued with Notifications No. P. 3015—Legis. 21-22-10, dated 12th December 1924 and No. P. 3992—Legis. 46-35, dated 18th December 1935, respectively, as amended from time to time, are hereby published for the information of persons likely to be affected thereby and any suggestion or objection received on or before the 5th of January 1941 in respect of the said draft will be considered by Government:—

**Draft Amendments.**

*Add* the following paragraph to Rule 16-B of the Mysore Motor Vehicles Rules, 1924, referred to above:—

"A District Superintendent of Police may suspend a driving license for a period not exceeding three months."

*Add* the following as sub-rule (VI) to Rule 41 of the Rules regarding Public Service Motor Vehicles referred to above:—

"(vi) The written authority referred to in sub-rule (i) may be cancelled or suspended by a District Magistrate.

A District Superintendent of Police may suspend the written authority for a period not exceeding three months:

Provided that the reasons for the said cancellation or suspension of a written authority shall be recorded in writing."

*No. P. 3150—Legis. 25-40-2, dated Bangalore, the 18th December 1940.*

In exercise of the powers conferred by sub-section (2) of section 1 of the Mysore Money-lenders Act, 1939, the Government of His Highness the Maharaja of Mysore are pleased to exempt the Sri Varadarajaswami Bank, Ltd., Chamarajnagar and all its branches from the provisions of Chapters II and III of the said Act.

By Order,

H. V. NARAYANA RAO,
*Secretary to Government,*
*Law Department.*

Printed by the Superintendent at the Government Press, Bangalore

Regd. No. M.—1175.

264

Coffee Estate
owners Registration

# The Mysore Gazette

## EXTRAORDINARY.

PUBLISHED BY AUTHORITY.

BANGALORE, SATURDAY, DECEMBER 21, 1940.

## PART IV.

### Legislative Measures and Rules thereunder.

### NOTIFICATIONS.

*Order No. P. 3190—Legis. 28-40-1, dated Bangalore, the 21st December 1940.*

Ordered that the accompanying Emergency Act to provide for assistance to the coffee industry by regulating the export of coffee from and the sale of coffee in Mysore and by other means which received the assent of His Highness the Maharaja on the 20th day of December 1940, be published as Act No. XXVIII of 1940, in the *Mysore Gazette* for general information.

By Order,

B. T. KESAVIENGAR,

*Chief Secretary to Government.*

ACT No. XXVIII OF 1940.

# THE MYSORE COFFEE MARKET EXPANSION (EMERGENCY) ACT, 1940.

**(An Act to provide for assistance to the coffee industry by regulating the export of coffee from and the sale of coffee in Mysore and by other means.)**

*(Received the assent of His Highness the Maharaja on the twentieth day of December 1940).*

WHEREAS the Coffee Market Expansion Ordinance, 1940, has been made and promulgated in British India to provide for assistance to the coffee industry by regulating the export of coffee from and the sale of coffee in British India, and by other means;

AND WHEREAS it is necessary to make similar provision in Mysore for assistance to the coffee industry;

NOW THEREFORE in exercise of the powers conferred by section 12 of the Mysore Legislative Council Act, 1923;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Coffee Market Expansion (Emergency) Act, 1940.

(2) It extends to the whole of Mysore.

(3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "the Board" means the Indian Coffee Market Expansion Board constituted by the Government of India under the Ordinance,

(*b*) "Coffee" means the commodity derived from the fruit of the rubiaceous plant known by that name, and includes raw coffee, cured coffee and uncured coffee;

(*c*) "controller of coffee" means the controller of coffee appointed under the Ordinance;

(*d*) "curing" means the application to raw coffee of mechanical processes other than pulping for the purpose of preparing it for marketing;

(*e*) "curing establishment" means any place to which raw coffee is sent by a registered owner for curing,

and includes any estate which the Board may declare to be a curing establishment for the purposes of this Act;

(*f*) "estate" means an area administered as one unit which contains land planted with coffee plants;

(*g*) "internal sale quota" means that portion stated in terms of bulk or weight, of the whole of the coffee produced by an estate in the year which a registered estate is permitted to sell in the Indian market;

(*h*) "Ordinance" means the Coffee Market Expansion Ordinance, 1940, of the Government of India;

(*i*) "prescribed" means prescribed by rules made under this Act;

(*j*) "registered estate" means an estate in respect of which an owner is registered under sub-section (1) of section 5, or under sub-section (1) of section 14 of the Ordinance, or under any law or rule having the force of law of an Indian State; and includes also any estate in respect of which an owner is required to be registered under the provisions abovementioned;

(*k*) "registered owner" means an owner of a registered estate who has been or is required to be registered under sub-section (1) of section 5;

(*l*) "surplus pool" means the stock of coffee accumulated by the Board out of the amounts delivered to the Board under section 14.

(*m*) "year" means the period of twelve months beginning on the 1st day of July 1940, and ending on the 30th day of June 1941:

Provided that the Government may, by notification in the official Gazette, declare that the year for the purposes of any section of this Act which may be specified in the notification shall be fourteen months ending on the 31st day of August, 1941.

Duty of excise.

3. A duty of excise shall be levied at such rate not exceeding one rupee per hundredweight as may be fixed by the Government, on the recommendation of the Board, by notification in the official Gazette on all coffee, except coffee sold and delivered before the commencement of this Act, which a registered estate is permitted by the internal sale quota allotted to it to sell in the Indian market, whether such coffee is actually sold or not, and on all coffee released for sale in India by the Board from the surplus pool.

Payment of proceeds of duty to the Board and manner of realisation by the Board.

4. (1) The proceeds of the duty of excise levied under section 3 shall be paid to the Board for credit to the general fund of the Board.

(2) The duty of excise on coffee shall be payble by the registered owner of the estate producing the coffee and shall be realised by the Board by the deduction of the amount of the duty payable by such owner from any sum due to him on account of sales from the surplus pool. It shall be a first charge on such sum, and shall, if not capable of realisation by deduction as aforesaid, be paid to the Board by the registered owner within one month of demand by the Board or thereafter be recoverable from him as an arrear of land revenue.

(3) The Board shall have power to adjudge by bulk the number of hundredweights contained in any quantity of uncured coffee.

(4) No action of the Board under this section shall be called in question by any Court.

Registration of owners of coffee estates.

5. (1) Every person owning land planted with coffee plants aggregating not less than 25 acres whether such land is comprised in one estate or in more than one estate shall, before the expiration of one month from the commencement of this Act, or before the expiration of one month from the date on which, after the commencement of this Act, he first becomes subject to the provisions of this sub-section, apply to the registering officer appointed in this behalf by the Government to be registered as an owner and in respect of each estate owned by him:

Provided that where the estate or estates in question are situated partly in Mysore and partly in another Indian State or States, the application shall be made to the registering officer appointed by any State.

(2) A registration once made shall continue in force until it is cancelled by the registering officer.

(3) If any question arises whether an owner of an estate is or is not required to be registered under this section, the question shall be decided by the Controller of Coffee.

Power of Government to make rules.

6. (1) The Government may, by notification in the official Gazette, make rules to carry into effect the provisions of section 5.

(2) Without prejudice to the generality of the foregoing power, such rules may prescribe the form of the

application for registration and for cancellation of registration, the fee payable on such applications, the particulars to be included in such applications, the procedure to be followed in granting and cancelling registration, the registers to be kept by registering officers, and the supply by registering officers of information to the Board.

Maximum prices for sale of coffee wholesale.

7. (1) The Government may, after consultation with the Board, by notification in the official Gazette fix the maximum price or prices at which coffee may be sold wholesale in the Indian market.

(2) No registered owner or licensed curer shall sell coffee wholesale in the Indian market at a price exceeding the maximum fixed under this section.

Sale of coffee in excess of internal sale quota.

8. (1) No registered owner shall, after the commencemcnt of this Act, sell or contract to sell in the Indian market coffee from any registered estate if by such sale the internal sale quota allotted to that estate is exceeded:

Provided that nothing in this section shall apply to coffee sold from a registered estate in excess of the internal sale quota if such sale was in pursuance of a contract of sale entered into before the 3rd day of December 1940, and if after the commencement of this Act no coffee has been sold from that estate in the Indian market except in pursuance of a contract of sale entered into before the 3rd day of December 1940.

Sale of uncured coffee.

9. No registered owner shall sell uncured coffee (including pounded coffee) direct from an estate except under and in accordance with the provisions of a licence procured from the Government under section 13.

Sale of cured coffee.

10. No registered owner shall sell cured coffee (including pounded coffee) otherwise than through a curing establishment licensed under section 16.

Internal sale quota.

11. (1) The Government shall, as soon as may be after the commencement of this Act, allot to each registered estate an internal sale quota for the year.

(2) The internal sale quota shall be a fixed percentage common to all registered estates, of the probable total production of the estate in the year as estimated by the Board.

(3) The Government may at any time vary the internal quota by varying the fixed percentage common to

all registered estates, or may express the whole or any part of the internal sale quota of an estate in terms of bulk instead of in terms of weight.

Returns to be made by registered owners.

12. (1) A registered owner shall furnish to the Board at the prescribed times and in the prescribed manner such returns as may be prescribed.

(2) If any registered owner fails to furnish the returns required under sub-section (1) in respect of any estate, the Government may refuse to allot an internal sale quota to that estate, or, where an internal sale quota has already been allotted, may cancel it.

(3) The Government may authorise an officer to visit any estate at any time to verify the accuracy of any return made under this section or to ascertain the productive capacity of the estate.

Licences for sale of uncured Coffee.

13. The registered owner of any estate may, subject to the prescribed conditions and so long as the internal sale quota allotted to that estate will not be exceeded by the proposed sale, obtain from the Government a licence for the sale from that estate of uncured coffee.

Surplus coffee and surplus pool.

14. (1) All coffee produced by a registered estate in excess of the amount specified in the internal sale quota allotted to that estate shall be delivered to the Board for inclusion in the surplus pool by the owner of the estate or by the curing establishment receiving the coffee from the estate.

(2) Delivery shall be made to the Board in such places and in such manner as the Board may direct, and such directions may provide for partial delivery to the surplus pool at any time whether or not at that time the internal sale quota has been exceeded, and the coffee delivered shall, unless the Board otherwise directs in the case of coffee already in curing establishments at the commencement of this Act, be such as to represent fairly in kind and quality the produce of the estate. The Board may reject any consignment offered for delivery which does not satisfy this requirement, but shall not reject any consignment merely for a defect in curing.

(3) Coffee delivered for inclusion in the surplus pool shall upon delivery to the Board remain under the control of the Board which shall be responsible for storage, curing where necessary, and marketing of the coffee.

(4) The Board shall prepare a differential scale for the valuation of coffee, and shall in accordance with that scale classify the coffee in each consignment delivered for inclusion in the surplus pool according to its kind and quality, and shall make an assessment of its value based on its quantity, kind and quality.

(5) The Board may, with the consent of a registered owner, before an internal sale quota has been allotted to an estate, treat as having been delivered for inclusion in the surplus pool any coffee from such estate which the registered owner may agree to have so treated.

Coffee to be cured in licensed curing establishments.

15. No registered owner shall cause or allow coffee to be cured elsewhere than in a licensed curing establishment, whether the curing establishment is maintained by himself or by another person.

Licences of curing establishments.

16. Every establishment for curing coffee shall obtain from the Government a licence to operate as such.

Information to be supplied to the Board in connection with curing.

17. (i) A registered owner when sending coffee to a curing establishment shall report to the Government, separately for each estate from which coffee is sent, the amount of coffee sent; and the curing establishment shall, in accordance with such instructions as may be issued by the Government and having regard to the internal sale quota of the estate, apportion each such consignment into two parts, one part consisting of coffee intended for internal sale and one part of coffee intended to be delivered for inclusion in the surplus pool and shall report to the Government the amount of coffee in each such part.

(2) Every curing establishment shall, so far as may be, comply with the provisions of sub-section (1) in respect of all coffee in the establishment at the commencement of this Act.

(3) A registered owner curing coffee in a curing establishment maintained by himself shall supply to the Government the information specified in sub-section (1).

(4) A curing establishment which buys or receives uncured coffee from any person shall ascertain the estate on which the coffee was produced and shall report to the Government the quantity of coffee so obtained and the estate or estates from which it came.

(5) Every curing establishment shall maintain accounts in such forms as may be required by the Government and such accounts shall be open to inspection at any

time by the Government or by an officer authorised in this behalf by the Government.

Payments to registered owners.

18. The registered owner of an estate in Mysore shall be paid from the pool fund maintained under the Ordinance, payments for coffee delivered by him for inclusion in the surplus pool which he would be entitled to receive under the Ordinance if such estate had been situated in British India.

Failure to register.

19. Any owner of a coffee estate who fails to apply for registration in accordance with section 5 shall be punishable with fine which may extend to one thousand rupees and to a further fine which may extend to five hundred rupees for each month after the first during which such failure continues.

Sale of coffee in contravention of sections 7, 8, 9 or 10.

20. Any registered owner who sells coffee in contravention of section 7 or section 8 or section 9 or section 10 shall be punishable with fine which may extend to one thousand rupees, and the Board may thereafter deduct from any payment to be made under section 19 to such registered owner a sum equal to the value as estimated by the Board of the coffee unlawfully sold.

Unlicensed curing establishment.

21. If any curing establishment operates as such without a licence, the owner shall be punishable with fine which may extend to five hundred rupees.

False returns.

22. Any person who makes in any return to be furnished under section 12 or in any report to be made under section 17 any statement which is false and which he knows to be false or does not believe to be true shall be punishable with fine which may extend to one thousand rupees.

Obstruction.

23. Whoever obstructs any member or officer of the Government or the Board or any person authorised by the Government or the Board, in the discharge of any duty imposed on or entrusted to him under this act, or who, having control over or custody of any records, fails to produce such records when required to do so by a member or officer of the Board or by a person authorised by the Government or the Board to inspect such records, shall be punishable with fine which may extend to one thousand rupees.

Cognizance of offences.

24. (1) No Court other than the Court of a Magistrate of the First Class shall take cognizance of any offence punishable under this Act.

(2) No Court shall take cognizance of an offence, punishable under section 19, except on complaint made by an officer authorised in this behalf by the Government or of an offence punishable under any other section except on complaint made with the previous sanction of the Government by an officer authorised in this behalf by the Board.

Power of Board to determine amount of coffee sold by an estate.

25. The Board shall have power to determine, after such inquiry as it thinks fit, the amount of coffee which has at the commencement of this Act been sold, or been sold and delivered in the year by any registered estate, and the amount so determined shall be conclusive for the purpose of section 8.

Appeals to the Government.

26. (1) Any person aggrieved by an order of the Board refusing a licence to, or cancelling a licence of, a curing establishment may, within sixty days of the making of the order, appeal to the Government.

(2) Any person making an appeal under this section shall pay a fee of five rupees.

Inspection of records.

27. Any member of the Board, and any officer of the Board or other person authorised in this behalf by the Government or the Board, may enter any registered estate or any curing establishment and may require the production for his inspection of any records kept therein.

Inspection of records of the Board and obtaining of copies.

28. Any registered owner to whom an internal sale quota is allotted may, subject to the prescribed conditions, inspect the records maintained by the Board and may on payment of the prescribed fee obtain copies of any proceedings or orders of the Board.

Contracts.

29. Nothing in this Act shall apply to or affect any contract for the sale of coffee entered into before the 3rd day of December 1940, if before the expiration of twenty-one days from the commencement of this Act the owner of the coffee estate or the exporter who has effected the contract has furnished to the Government particulars of such contract; but all contracts made on or after the said date shall on the commencement of this Act, in so far as they are at variance with the provisions of this Act, be void:

Provided that the Board may by order relax the provisions of this section in their application to any individual contract.

Power to make rules.

30. The Government may by notification in the official Gazette, make rules to carry out the purposes of this Act.

Power of delegation.

31. The Government may, delegate all or any of the powers conferred on it by any of the provisions of this Act to the Board or to the Controller of coffee.

MIRZA M. ISMAIL,
*Dewan.*

*No. P.* 3191—*Legis.* 28-40-2, *dated Bangalore, the 21st December* 1940.

In exercise of the powers conferred by sub-section (3) of section 1 of the Mysore Coffee Market Expansion (Emergency) Act, 1940, the Government of His Highness the Maharaja are pleased to direct that the said Act shall come into force on and from the 21st December 1940.

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*No. P.* 3192—*Legis.* 28-40-3, *dated Bangalore, the 21st December* 1940.

In exercise of the powers conferred on them by the Mysore Coffee Market Expansion (Emergency) Act, 1940, the Government of His Highness the Maharaja are pleased to appoint the Deputy Commissioners of Districts to be Registering Officers within their respective districts.

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*No. P.* 3193—*Legis.* 28-40-4, *dated Bangalore, the 21st December* 1940.

In exercise of the powers conferred by section 31 of the Mysore Coffee Market Expansion (Emergency) Act, 1940, the Government of His Highness the Maharaja are pleased to delegate to the Indian Coffee Market Expansion Board all the powers exercisable under sections 7, 11, 12, 13, 16 and 17 of the said Act.

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*No. P.* 3194—*Legis.* 28-40-5, *dated Bangalore, the* 21*st December* 1940.

**The Mysore Coffee Estate-owners Registration Rules, 1940.**

In exercise of the powers conferred by section 6 of the Mysore Coffee Market Expansion (Emergency) Act, 1940, the Government of His Highness the Maharaja are pleased to make the following rules, namely :—

1. (1) These rules may be called the Mysore Coffee Estate-owners Registration Rules, 1940.

(2) They extend to the whole of Mysore.

2. In these rules,—

(i) "Form" means a form appended to these rules;

(ii) 'Act' means the Mysore Coffee Market Expansion (Emergency) Act, 1940;

(iii) "Registering Officer" means a Registering Officer appointed by the Government under sub-section (1) of section 5 of the Act.

3. An application for registration under section 5 of the Act shall be made to the Registering Officer in Form A and shall be accompanied by a fee of rupee one in respect of each estate owned by the applicant.

4. An application for registration shall not be granted by the Registering Officer if he is satisfied that the area under coffee in the applicant's estate or estates is less than 25 acres, and for this purpose he may call for such additional information as he thinks fit from the applicant.

5. If an application for registration is granted, the Registering Officer shall issue a certificate of registration in Form B.

6. (1) A registration may be cancelled by the Registering Officer on application made by a registered owner on the ground that the area under coffee in the registered estate or estates has fallen below 25 acres or that he has ceased to be the owner of the registered estate or estates.

(2) Every application under sub-rule (1) shall be accompanied by a fee of rupee one.

7. A registered owner shall, in the event of any of his estates being sold or otherwise transferred, intimate

to the Registering Officer the particulars of the estate sold or transferred.

8. The Registering Officer shall maintain a register of registered owners and a register of registered estates, and shall forward to the Board, from time to time, certified copies of all entries in those registers.

By Order,

C. E. NORONHA,

*Secretary to Government,*
*Development Department.*

## APPENDIX.

FORM A. (*Rule* 3.)

Form of application for registration under section 5 of the Mysore Coffee Market Expansion (Emergency) Act, 1940.

Name of owner..... Address of owner.....

.....

Total area of estates owned. (*Vide* Schedules A and B below).....

Whether Application made to any other Registering Officer (particulars to be given).....

Schedule A — Estates in Mysore

| Name of estate | District | Village | Survey No. | Area in acres |
|---|---|---|---|---|
| | | Total ... | | |

Schedule B — Estates outside Mysore

| Name of estate | District | Village | Survey No. | Area in acres |
|---|---|---|---|---|
| | | Total ... | | |

To

.....

Registering Officer under section 5 of the Mysore Coffee Market Expansion (Emergency) Act, 1940,

.....District.

Signature of Applicant.

FORM B.

(*Rule 5.*)

Certificate of Registration of a registered owner.

(Section 5 of the Mysore Coffee Market Expansion (Emergency) Act, 1940.)

No.

Mr. ..... ..... of (address).....
..... .....
has been registered as the registered owner of coffee estates mentioned in the schedule below under section 5 of the Mysore Coffee Market Expansion (Emergency) Act, 1940.

Seal.

Place ..... ..... Signature .....

Dated .....194 . (Registering Officer.)

SCHEDULE A : Estates in Mysore :—

Name of estate

District

Village

Survey No.

Area

SCHEDULE B : Estates outside Mysore :—

Name of estate

District

Village

Survey No.

Area

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278

# The Mysore Gazette

## EXTRAORDINARY.

PUBLISHED BY AUTHORITY.

BANGALORE, SATURDAY, DECEMBER 21, 1940.

PART IV.

**Legislative Measures and Rules thereunder.**

NOTIFICATIONS.

*Order No. P. 3190—Legis. 28-40-1, dated Bangalore, the 21st December 1940.*

Ordered that the accompanying Emergency Act to provide for assistance to the coffee industry by regulating the export of coffee from and the sale of coffee in Mysore and by other means which received the assent of His Highness the Maharaja on the 20th day of December 1940, be published as Act No. XXVIII of 1940, in the *Mysore Gazette* for general information.

By Order,

B. T. KESAVIENGAR,

*Chief Secretary to Government.*

ACT No. XXVIII OF 1940.

# THE MYSORE COFFEE MARKET EXPANSION (EMERGENCY) ACT, 1940.

**(An Act to provide for assistance to the coffee industry by regulating the export of coffee from and the sale of coffee in Mysore and by other means.)**

*(Received the assent of His Highness the Maharaja on the twentieth day of December 1940).*

WHEREAS the Coffee Market Expansion Ordinance, 1940, has been made and promulgated in British India to provide for assistance to the coffee industry by regulating the export of coffee from and the sale of coffee in British India, and by other means;

AND WHEREAS it is necessary to make similar provision in Mysore for assistance to the coffee industry;

NOW THEREFORE in exercise of the powers conferred by section 12 of the Mysore Legislative Council Act, 1923;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Coffee Market Expansion (Emergency) Act, 1940.

(2) It extends to the whole of Mysore.

(3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "the Board" means the Indian Coffee Market Expansion Board constituted by the Government of India under the Ordinance,

(*b*) "Coffee" means the commodity derived from the fruit of the rubiaceous plant known by that name, and includes raw coffee, cured coffee and uncured coffee;

(*c*) "controller of coffee" means the controller of coffee appointed under the Ordinance;

(*d*) "curing" means the application to raw coffee of mechanical processes other than pulping for the purpose of preparing it for marketing;

(*e*) "curing establishment" means any place to which raw coffee is sent by a registered owner for curing,

and includes any estate which the Board may declare to be a curing establishment for the purposes of this Act;

(*f*) "estate" means an area administered as one unit which contains land planted with coffee plants;

(*g*) "internal sale quota" means that portion stated in terms of bulk or weight, of the whole of the coffee produced by an estate in the year which a registered estate is permitted to sell in the Indian market;

(*h*) "Ordinance" means the Coffee Market Expansion Ordinance, 1940, of the Government of India;

(*i*) "prescribed" means prescribed by rules made under this Act;

(*j*) "registered estate" means an estate in respect of which an owner is registered under sub-section (1) of section 5, or under sub-section (1) of section 14 of the Ordinance, or under any law or rule having the force of law of an Indian State; and includes also any estate in respect of which an owner is required to be registered under the provisions abovementioned;

(*k*) "registered owner" means an owner of a registered estate who has been or is required to be registered under sub-section (1) of section 5;

(*l*) "surplus pool" means the stock of coffee accumulated by the Board out of the amounts delivered to the Board under section 14.

(*m*) "year" means the period of twelve months beginning on the 1st day of July 1940, and ending on the 30th day of June 1941:

Provided that the Government may, by notification in the official Gazette, declare that the year for the purposes of any section of this Act which may be specified in the notification shall be fourteen months ending on the 31st day of August, 1941.

Duty of excise.

3. A duty of excise shall be levied at such rate not exceeding one rupee per hundredweight as may be fixed by the Government, on the recommendation of the Board, by notification in the official Gazette on all coffee, except coffee sold and delivered before the commencement of this Act, which a registered estate is permitted by the internal sale quota allotted to it to sell in the Indian market, whether such coffee is actually sold or not, and on all coffee released for sale in India by the Board from the surplus pool.

Payment of proceeds of duty to the Board and manner of realisation by the Board.

4. (1) The proceeds of the duty of excise levied under section 3 shall be paid to the Board for credit to the general fund of the Board.

(2) The duty of excise on coffee shall be payble by the registered owner of the estate producing the coffee and shall be realised by the Board by the deduction of the amount of the duty payable by such owner from any sum due to him on account of sales from the surplus pool. It shall be a first charge on such sum, and shall, if not capable of realisation by deduction as aforesaid, be paid to the Board by the registered owner within one month of demand by the Board or thereafter be recoverable from him as an arrear of land revenue.

(3) The Board shall have power to adjudge by bulk the number of hundredweights contained in any quantity of uncured coffee.

(4) No action of the Board under this section shall be called in question by any Court.

Registration of owners of coffee estates.

5. (1) Every person owning land planted with coffee plants aggregating not less than 25 acres whether such land is comprised in one estate or in more than one estate shall, before the expiration of one month from the commencement of this Act, or before the expiration of one month from the date on which, after the commencement of this Act, he first becomes subject to the provisions of this sub-section, apply to the registering officer appointed in this behalf by the Government to be registered as an owner and in respect of each estate owned by him:

Provided that where the estate or estates in question are situated partly in Mysore and partly in another Indian State or States, the application shall be made to the registering officer appointed by any State.

(2) A registration once made shall continue in force until it is cancelled by the registering officer.

(3) If any question arises whether an owner of an estate is or is not required to be registered under this section, the question shall be decided by the Controller of Coffee.

Power of Government to make rules.

6. (1) The Government may, by notification in the official Gazette, make rules to carry into effect the provisions of section 5.

(2) Without prejudice to the generality of the foregoing power, such rules may prescribe the form of the

application for registration and for cancellation of registration, the fee payable on such applications, the particulars to be included in such applications, the procedure to be followed in granting and cancelling registration, the registers to be kept by registering officers, and the supply by registering officers of information to the Board.

Maximum prices for sale of coffee wholesale.

7. (1) The Government may, after consultation with the Board, by notification in the official Gazette fix the maximum price or prices at which coffee may be sold wholesale in the Indian market.

(2) No registered owner or licensed curer shall sell coffee wholesale in the Indian market at a price exceeding the maximum fixed under this section.

Sale of coffee in excess of internal sale quota.

8. (1) No registered owner shall, after the commencemcnt of this Act, sell or contract to sell in the Indian market coffee from any registered estate if by such sale the internal sale quota allotted to that estate is exceeded:

Provided that nothing in this section shall apply to coffee sold from a registered estate in excess of the internal sale quota if such sale was in pursuance of a contract of sale entered into before the 3rd day of December 1940, and if after the commencement of this Act no coffee has been sold from that estate in the Indian market except in pursuance of a contract of sale entered into before the 3rd day of December 1940.

Sale of uncured coffee.

9. No registered owner shall sell uncured coffee (including pounded coffee) direct from an estate except under and in accordance with the provisions of a licence procured from the Government under section 13.

Sale of cured coffee.

10. No registered owner shall sell cured coffee (including pounded coffee) otherwise than through a curing establishment licensed under section 16.

Internal sale quota.

11. (1) The Government shall, as soon as may be after the commencement of this Act, allot to each registered estate an internal sale quota for the year.

(2) The internal sale quota shall be a fixed percentage common to all registered estates, of the probable total production of the estate in the year as estimated by the Board.

(3) The Government may at any time vary the internal quota by varying the fixed percentage common to

all registered estates, or may express the whole or any part of the internal sale quota of an estate in terms of bulk instead of in terms of weight.

Returns to be made by registered owners.

12. (1) A registered owner shall furnish to the Board at the prescribed times and in the prescribed manner such returns as may be prescribed.

(2) If any registered owner fails to furnish the returns required under sub-section (1) in respect of any estate, the Government may refuse to allot an internal sale quota to that estate, or, where an internal sale quota has already been allotted, may cancel it.

(3) The Government may authorise an officer to visit any estate at any time to verify the accuracy of any return made under this section or to ascertain the productive capacity of the estate.

Licences for sale of uncured Coffee.

13. The registered owner of any estate may, subject to the prescribed conditions and so long as the internal sale quota allotted to that estate will not be exceeded by the proposed sale, obtain from the Government a licence for the sale from that estate of uncured coffee.

Surplus coffee and surplus pool.

14. (1) All coffee produced by a registered estate in excess of the amount specified in the internal sale quota allotted to that estate shall be delivered to the Board for inclusion in the surplus pool by the owner of the estate or by the curing establishment receiving the coffee from the estate.

(2) Delivery shall be made to the Board in such places and in such manner as the Board may direct, and such directions may provide for partial delivery to the surplus pool at any time whether or not at that time the internal sale quota has been exceeded, and the coffee delivered shall, unless the Board otherwise directs in the case of coffee already in curing establishments at the commencement of this Act, be such as to represent fairly in kind and quality the produce of the estate. The Board may reject any consignment offered for delivery which does not satisfy this requirement, but shall not reject any consignment merely for a defect in curing.

(3) Coffee delivered for inclusion in the surplus pool shall upon delivery to the Board remain under the control of the Board which shall be responsible for storage, curing where necessary, and marketing of the coffee.

(4). The Board shall prepare a differential scale for the valuation of coffee, and shall in accordance with that scale classify the coffee in each consignment delivered for inclusion in the surplus pool according to its kind and quality, and shall make an assessment of its value based on its quantity, kind and quality.

(5) The Board may, with the consent of a registered owner, before an internal sale quota has been allotted to an estate, treat as having been delivered for inclusion in the surplus pool any coffee from such estate which the registered owner may agree to have so treated.

Coffee to be cured in licensed curing establishments.

15. No registered owner shall cause or allow coffee to be cured elsewhere than in a licensed curing establishment, whether the curing establishment is maintained by himself or by another person.

Licences of curing establishments.

16. Every establishment for curing coffee shall obtain from the Government a licence to operate as such.

Information to be supplied to the Board in connection with curing.

17. (i) A registered owner when sending coffee to a curing establishment shall report to the Government, separately for each estate from which coffee is sent, the amount of coffee sent; and the curing establishment shall, in accordance with such instructions as may be issued by the Government and having regard to the internal sale quota of the estate, apportion each such consignment into two parts, one part consisting of coffee intended for internal sale and one part of coffee intended to be delivered for inclusion in the surplus pool and shall report to the Government the amount of coffee in each such part.

(2) Every curing establishment shall, so far as may be, comply with the provisions of sub-section (1) in respect of all coffee in the establishment at the commencement of this Act.

(3) A registered owner curing coffee in a curing establishment maintained by himself shall supply to the Government the information specified in sub-section (1).

(4) A curing establishment which buys or receives uncured coffee from any person shall ascertain the estate on which the coffee was produced and shall report to the Government the quantity of coffee so obtained and the estate or estates from which it came.

(5) Every curing establishment shall maintain accounts in such forms as may be required by the Government and such accounts shall be open to inspection at any

time by the Government or by an officer authorised in this behalf by the Government.

Payments to registered owners.

18. The registered owner of an estate in Mysore shall be paid from the pool fund maintained under the Ordinance, payments for coffee delivered by him for inclusion in the surplus pool which he would be entitled to receive under the Ordinance if such estate had been situated in British India.

Failure to register.

19. Any owner of a coffee estate who fails to apply for registration in accordance with section 5 shall be punishable with fine which may extend to one thousand rupees and to a further fine which may extend to five hundred rupees for each month after the first during which such failure continues.

Sale of coffee in contravention of sections 7, 8, 9 or 10.

20. Any registered owner who sells coffee in contravention of section 7 or section 8 or section 9 or section 10 shall be punishable with fine which may extend to one thousand rupees, and the Board may thereafter deduct from any payment to be made under section 19 to such registered owner a sum equal to the value as estimated by the Board of the coffee unlawfully sold.

Unlicensed curing establishment.

21. If any curing establishment operates as such without a licence, the owner shall be punishable with fine which may extend to five hundred rupees.

False returns.

22. Any person who makes in any return to be furnished under section 12 or in any report to be made under section 17 any statement which is false and which he knows to be false or does not believe to be true shall be punishable with fine which may extend to one thousand rupees.

Obstruction.

23. Whoever obstructs any member or officer of the Government or the Board or any person authorised by the Government or the Board, in the discharge of any duty imposed on or entrusted to him under this act, or who, having control over or custody of any records, fails to produce such records when required to do so by a member or officer of the Board or by a person authorised by the Government or the Board to inspect such records, shall be punishable with fine which may extend to one thousand rupees.

Cognizance of offences.

24. (1) No Court other than the Court of a Magistrate of the First Class shall take cognizance of any offence punishable under this Act.

(2) No Court shall take cognizance of an offence, punishable under section 19, except on complaint made by an officer authorised in this behalf by the Government or of an offence punishable under any other section except on complaint made with the previous sanction of the Government by an officer authorised in this behalf by the Board.

Power of Board to determine amount of coffee sold by an estate.

25. The Board shall have power to determine, after such inquiry as it thinks fit, the amount of coffee which has at the commencement of this Act been sold, or been sold and delivered in the year by any registered estate, and the amount so determined shall be conclusive for the purpose of section 8.

Appeals to the Government.

26. (1) Any person aggrieved by an order of the Board refusing a licence to, or cancelling a licence of, a curing establishment may, within sixty days of the making of the order, appeal to the Government.

(2) Any person making an appeal under this section shall pay a fee of five rupees.

Inspection of records.

27. Any member of the Board, and any officer of the Board or other person authorised in this behalf by the Government or the Board, may enter any registered estate or any curing establishment and may require the production for his inspection of any records kept therein.

Inspection of records of the Board and obtaining of copies.

28. Any registered owner to whom an internal sale quota is allotted may, subject to the prescribed conditions, inspect the records maintained by the Board and may on payment of the prescribed fee obtain copies of any proceedings or orders of the Board.

Contracts.

29. Nothing in this Act shall apply to or affect any contract for the sale of coffee entered into before the 3rd day of December 1940, if before the expiration of twenty-one days from the commencement of this Act the owner of the coffee estate or the exporter who has effected the contract has furnished to the Government particulars of such contract; but all contracts made on or after the said date shall on the commencement of this Act, in so far as they are at variance with the provisions of this Act, be void:

Provided that the Board may by order relax the provisions of this section in their application to any individual contract.

Power to make rules.

30. The Government may by notification in the official Gazette, make rules to carry out the purposes of this Act.

Power of delegation.

31. The Government may, delegate all or any of the powers conferred on it by any of the provisions of this Act to the Board or to the Controller of coffee.

MIRZA M. ISMAIL,
*Dewan.*

*No. P.* 3191—*Legis.* 28-40-2, *dated Bangalore, the 21st December* 1940.

In exercise of the powers conferred by sub-section (3) of section 1 of the Mysore Coffee Market Expansion (Emergency) Act, 1940, the Government of His Highness the Maharaja are pleased to direct that the said Act shall come into force on and from the 21st December 1940.

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*No. P.* 3192—*Legis.* 28-40-3, *dated Bangalore, the 21st December* 1940.

In exercise of the powers conferred on them by the Mysore Coffee Market Expansion (Emergency) Act, 1940, the Government of His Highness the Maharaja are pleased to appoint the Deputy Commissioners of Districts to be Registering Officers within their respective districts.

---

*No. P.* 3193—*Legis.* 28-40-4, *dated Bangalore, the 21st December* 1940.

In exercise of the powers conferred by section 31 of the Mysore Coffee Market Expansion (Emergency) Act, 1940, the Government of His Highness the Maharaja are pleased to delegate to the Indian Coffee Market Expansion Board all the powers exercisable under sections 7, 11, 12, 13, 16 and 17 of the said Act.

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*No. P.* 3194—*Legis.* 28-40-5, *dated Bangalore, the* 21*st December* 1940.

**The Mysore Coffee Estate-owners Registration Rules, 1940.**

In exercise of the powers conferred by section 6 of the Mysore Coffee Market Expansion (Emergency) Act, 1940, the Government of His Highness the Maharaja are pleased to make the following rules, namely :—

1. (1) These rules may be called the Mysore Coffee Estate-owners Registration Rules, 1940.

(2) They extend to the whole of Mysore.

2. In these rules,—

(i) "Form" means a form appended to these rules;

(ii) 'Act' means the Mysore Coffee Market Expansion (Emergency) Act, 1940;

(iii) "Registering Officer" means a Registering Officer appointed by the Government under sub-section (1) of section 5 of the Act.

3. An application for registration under section 5 of the Act shall be made to the Registering Officer in Form A and shall be accompanied by a fee of rupee one in respect of each estate owned by the applicant.

4. An application for registration shall not be granted by the Registering Officer if he is satisfied that the area under coffee in the applicant's estate or estates is less than 25 acres, and for this purpose he may call for such additional information as he thinks fit from the applicant.

5. If an application for registration is granted, the Registering Officer shall issue a certificate of registration in Form B.

6. (1) A registration may be cancelled by the Registering Officer on application made by a registered owner on the ground that the area under coffee in the registered estate or estates has fallen below 25 acres or that he has ceased to be the owner of the registered estate or estates.

(2) Every application under sub-rule (1) shall be accompanied by a fee of rupee one.

7. A registered owner shall, in the event of any of his estates being sold or otherwise transferred, intimate

to the Registering Officer the particulars of the estate sold or transferred.

8. The Registering Officer shall maintain a register of registered owners and a register of registered estates, and shall forward to the Board, from time to time, certified copies of all entries in those registers.

By Order,

C. E. NORONHA,

*Secretary to Government,*
*Development Department.*

FORM A. (*Rule* 3.)

Form of application for registration under section 5 of the Mysore Coffee Market Expansion (Emergency) Act, 1940.

Name of owner..... Address of owner.....

.....

Total area of estates owned. (*Vide* Schedules A and B below).....

Whether Application made to any other Registering Officer (particulars to be given).....

Schedule A — Estates in Mysore

| Name of estate | District | Village | Survey No. | Area in acres |
|---|---|---|---|---|
| | | Total ... | | |

Schedule B — Estates outside Mysore

| Name of estate | District | Village | Survey No. | Area in acres |
|---|---|---|---|---|
| | | Total ... | | |

To

.....

Registering Officer under section 5 of the Mysore Coffee Market Expansion (Emergency) Act, 1940,

.....District.

Signature of Applicant.

FORM B.

(*Rule 5.*)

Certificate of Registration of a registered owner.

(Section 5 of the Mysore Coffee Market Expansion (Emergency) Act, 1940.)

No.

Mr. ..... ..... of (address).....
..... .....
has been registered as the registered owner of coffee estates mentioned in the schedule below under section 5 of the Mysore Coffee Market Expansion (Emergency) Act, 1940.

Seal.

Place ..... ..... Signature .....

Dated .....194 . (Registering Officer.)

SCHEDULE A : Estates in Mysore :—

Name of estate

District

Village

Survey No.

Area

SCHEDULE B : Estates outside Mysore :—

Name of estate

District

Village

Survey No.

Area

Printed by the Superintendent at the Government Press, Bangalore.